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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. AMS-FV-07-0089; FV07-984-1 FR]

Walnuts Grown in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Walnut Marketing Board (Board) for the 2007–08 and subsequent fiscal periods from \$0.0101 to \$0.0122 per kernelweight pound of assessable walnuts. The Board locally administers the marketing order which regulates the handling of walnuts grown in California. Assessments upon walnut handlers are used by the Board to fund reasonable and necessary expenses of the program. The marketing year began August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: *Effective Date:* October 12, 2007.

FOR FURTHER INFORMATION CONTACT: Shereen Marino, Marketing Specialist, California Marketing Field Office, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or e-mail: Shereen.Marino@usda.gov, or Kurt.Kimmel@usda.gov.

Small businesses may request information on complying with this

regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or e-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984, both as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the “order.” The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.”

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts beginning on August 1, 2007, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed not later than

20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Board for the 2007–08 and subsequent fiscal periods from \$0.0101 to \$0.0122 per kernelweight pound of assessable walnuts.

The California walnut marketing order provides authority for the Board, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board’s needs and the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed at a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2006–07 and subsequent fiscal periods, the Board recommended, and USDA approved, an assessment rate of \$0.0101 per kernelweight pound of assessable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on May 31, 2007, and unanimously recommended 2007–08 expenditures of \$3,777,120 and an assessment rate of \$0.0122 per kernelweight pound of assessable walnuts. In comparison, last year’s budgeted expenditures were \$3,222,860. The assessment rate of \$0.0122 per kernelweight pound of assessable walnuts is \$0.0021 per pound higher than the rate currently in effect. The increased assessment rate is necessary to cover increased expenses including increased salaries, operating expenses and research for the 2007–08 marketing year. The higher assessment rate should generate sufficient income to cover anticipated 2007–08 expenses.

The following table compares major budget expenditures recommended by the Board for the 2006–07 and 2007–08 marketing years:

Budget expense categories	2006–07	2007–08
Administrative Staff/Field Salaries & Benefits	\$415,000	\$438,600
Travel/Board Expenses	75,000	86,000
Office Costs/Annual Audit	142,500	139,500
Program Expenses Including Research Controlled Purchases	5,000	5,000
Crop Acreage Survey		85,000
Crop Estimate	100,000	100,000
Production Research	725,000	730,000
Domestic Market Development	1,750,000	2,002,000
Reserve for Contingency	10,360	191,020

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 309,600,000 kernelweight pounds which should provide \$3,777,120 in assessment income and allow the Board to cover its expenses. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year, according to § 984.69.

The estimate for merchantable shipments is based on historical data, which is the prior year's production of 344,000 tons (inshell). Pursuant to § 984.51(b) of the order, this figure was converted to a merchantable kernelweight basis using a factor of .45 (344,000 tons × 2,000 pounds/ton × .45).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate will be in effect for an indefinite period, the Board will continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Board's 2007–08 budget and those for subsequent fiscal periods

will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 53 handlers of California walnuts subject to regulation under the marketing order and approximately 4,800 growers in the production area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those whose annual receipts are less than \$6,500,000, and small agricultural producers are defined as those whose annual receipts are less than \$750,000.

Current industry information shows that 18 of the 53 handlers (34 percent) shipped over \$6,500,000 of merchantable walnuts and could be considered large handlers by the SBA. Thirty-five of the 53 walnut handlers (66 percent) shipped under \$6,500,000 of merchantable walnuts and could be considered small handlers.

The number of large walnut growers (annual walnut revenue greater than \$750,000) can be estimated as follows. According to the National Agricultural Statistics Service (NASS), the two-year average yield per acre for 2005 and 2006 is approximately 1.63 tons. A grower

with 290 acres with an average yield of 1.63 tons per acre would produce approximately 473 tons. The season average of grower prices for 2005 and 2006 (published by NASS) is \$1,585 per ton. At that average price, the 473 tons produced on 290 acres would yield approximately \$750,000 in annual revenue. The 2002 Agricultural Census indicated two percent of walnut farms were between 250 and 500 acres in size. The 290 acres would produce, on average, about \$750,000 in annual revenue from walnuts and is near the lower end of the 250 to 500 acreage range category of the 2002 census. Thus, it can be concluded that the number of large walnut farms in 2006 is likely to be around two percent. Based on the foregoing, it can be concluded that the majority of California walnut handlers and producers may be classified as small entities.

This rule increases the assessment rate established for the Board and collected from handlers for the 2007–08 and subsequent marketing years from \$0.0101 per kernelweight pound of assessable walnuts to \$0.0122 per kernelweight pound of assessable walnuts. The Board unanimously recommended 2007–08 expenditures of \$3,777,120 and an assessment rate of \$0.0122 per kernelweight pound of assessable walnuts. The assessment rate of \$0.0122 is \$0.0021 higher than the rate currently in effect. The quantity of assessable walnuts for the 2007–08 marketing year is estimated at 344,000 tons. Thus, the \$0.0122 rate should provide \$3,777,120 in assessment income and be adequate to meet this year's expenses. The increased assessment rate is primarily due to increased budget expenditures.

The following table compares major budget expenditures recommended by the Board for the 2006–07 and 2007–08 fiscal years:

Budget expense categories	2006–07	2007–08
Administrative Staff/Field Salaries & Benefits	\$415,000	\$438,600
Travel/Board Expenses	75,000	86,000
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Budget expense categories	2006–07	2007–08
Program Expenses Including Research Controlled Purchases	5,000	5,000
Crop Acreage Survey		85,000
Crop Estimate	100,000	100,000
Production Research	725,000	730,000
Domestic Market Development	1,750,000	2,002,000
Reserve for Contingency	10,360	191,020

The Board reviewed and unanimously recommended 2007–08 expenditures of \$3,777,120. Prior to arriving at this budget, the Board considered alternative expenditure levels, but ultimately decided that the recommended levels were reasonable to properly administer the order. The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 309,600,000 kernelweight pounds which should provide \$3,777,120 in assessment income and allow the Board to cover its expenses. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year, according to § 984.69.

According to NASS, the season average grower prices for years 2005 and 2006 were \$1,570 and \$1,600 per ton respectively. These prices provide a reasonable price range within which the 2007–08 season average price is likely to fall. Dividing these average grower prices by 2,000 pounds per ton provides an inshell price per pound range of between \$0.785 and \$0.80. Dividing these inshell prices per pound by the 0.45 conversion factor (inshell to kernelweight) established in the order yields a 2007–08 price range estimate of \$1.74 and \$1.78 per kernelweight pound of assessable walnuts.

To calculate the percentage of grower revenue represented by the assessment rate, the assessment rate of \$0.0122 (per kernelweight pound) is divided into the low and high estimates of the price range. The estimated assessment revenue for the 2007–08 marketing year as a percentage of total grower revenue would likely range between 0.701 and 0.685 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the

operation of the marketing order. In addition, the Board's meeting was widely publicized throughout the California walnut industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the May 31, 2007, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

As noted in the final regulatory flexibility analysis, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on August 17, 2007 (72 FR 46183). Copies of the proposed rule were also mailed or sent via facsimile to all walnut handlers. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 15-day comment period ending September 4, 2007, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/moab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other

available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because the 2007–08 marketing year began on August 1, 2007, and the marketing order requires that the rate of assessment for each year apply to all assessable walnuts handled during the year; and handlers are already receiving 2007–08 crop walnuts from growers. The Board needs to have sufficient funds to meet its expenses which are incurred on a continuous basis. Further, handlers are aware of this rule which was unanimously recommended at a public meeting. Also, a 15-day comment period was provided for in the proposed rule and no comments were received.

List of Subjects in 7 CFR Part 984

Walnuts, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

PART 984—WALNUTS GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 984 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 984.347 is revised to read as follows:

§ 984.347 Assessment rate.

On and after August 1, 2007, an assessment rate of \$0.0122 per kernelweight pound is established for California merchantable walnuts.

Dated: October 9, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 07–5041 Filed 10–9–07; 11:20 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 25**

[Docket No. NM375 Special Conditions No. 25–359–SC]

Special Conditions: Boeing Model 787–8 Airplane; Lithium Ion Battery Installation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Model 787–8 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The Boeing Model 787–8 airplanes will use high capacity lithium ion battery technology in on-board systems. For these design features, the applicable airworthiness regulations do not contain adequate or appropriate safety standards. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing standards. Additional special conditions will be issued for other novel or unusual design features of the Boeing Model 787–8 airplanes.

DATES: *Effective Date:* November 13, 2007.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, FAA, Airplane and Flight Crew Interface, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2432; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:**Background**

On March 28, 2003, Boeing applied for an FAA type certificate for its new Boeing Model 787–8 passenger airplane. The Boeing Model 787–8 airplane will be an all-new, two-engine jet transport airplane with a two-aisle cabin. The maximum takeoff weight will be 476,000 pounds, with a maximum passenger count of 381 passengers.

Type Certification Basis

Under provisions of 14 Code of Federal Regulations (CFR) 21.17, Boeing must show that Boeing Model 787–8 airplanes (hereafter referred to as “the 787”) meet the applicable provisions of 14 CFR part 25, as amended by

Amendments 25–1 through 25–117, except §§ 25.809(a) and 25.812, which will remain at Amendment 25–115. If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the 787 because of a novel or unusual design feature, special conditions are prescribed under provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the 787 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the “Noise Control Act of 1972.”

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

The 787 will incorporate a number of novel or unusual design features. Because of rapid improvements in airplane technology, the applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions for the 787 contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

The 787 design includes planned use of lithium ion batteries for the following applications:

- Main and Auxiliary Power Unit (APU) Battery/Battery Charger System.
- Flight Control Electronics.
- Emergency Lighting System.
- Recorder Independent Power Supply.

Large, high capacity, rechargeable lithium ion batteries are a novel or unusual design feature in transport category airplanes. This type of battery has certain failure, operational, and maintenance characteristics that differ significantly from those of the nickel-cadmium and lead-acid rechargeable batteries currently approved for installation on large transport category airplanes. The FAA issues these special

conditions to require that (1) all characteristics of the lithium ion battery and its installation that could affect safe operation of the 787 are addressed, and (2) appropriate maintenance requirements are established to ensure the availability of electrical power from the batteries when needed.

Background

The current regulations governing installation of batteries in large transport category airplanes were derived from Civil Air Regulations (CAR) part 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February, 1965. The new battery requirements, 14 CFR 25.1353(c)(1) through (c)(4), basically reworded the CAR requirements.

Increased use of nickel-cadmium batteries in small airplanes resulted in increased incidents of battery fires and failures. This led to additional rulemaking affecting large transport category airplanes as well as small airplanes. On September 1, 1977, and March 1, 1978, respectively, the FAA issued 14 CFR 25.1353c(5) and c(6), governing nickel-cadmium battery installations on large transport category airplanes.

The proposed use of lithium ion batteries for the emergency lighting system on the 787 has prompted the FAA to review the adequacy of these existing regulations. Our review indicates that existing regulations do not adequately address several failure, operational, and maintenance characteristics of lithium ion batteries that could affect the safety and reliability of the 787’s lithium ion battery installations.

At present, there is limited experience with use of rechargeable lithium ion batteries in applications involving commercial aviation. However, other users of this technology, ranging from wireless telephone manufacturing to the electric vehicle industry, have noted safety problems with lithium ion batteries. These problems include overcharging, over-discharging, and flammability of cell components.

1. Overcharging

In general, lithium ion batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (thermal runaway) than their nickel-cadmium or lead-acid counterparts. This is especially true for overcharging, which causes heating and destabilization of the components of the cell, leading to formation (by plating) of highly unstable metallic lithium. The metallic lithium can ignite, resulting in

a self-sustaining fire or explosion. Finally, the severity of thermal runaway from overcharging increases with increasing battery capacity, because of the higher amount of electrolytes in large batteries.

2. Over-Discharging

Discharge of some types of lithium ion batteries beyond a certain voltage (typically 2.4 volts) can cause corrosion of the electrodes of the cell, resulting in loss of battery capacity that cannot be reversed by recharging. This loss of capacity may not be detected by the simple voltage measurements commonly available to flightcrews as a means of checking battery status. This is a problem shared with nickel-cadmium batteries.

3. Flammability of Cell Components

Unlike nickel-cadmium and lead-acid batteries, some types of lithium ion batteries use liquid electrolytes that are flammable. The electrolytes can serve as a source of fuel for an external fire, if there is a breach of the battery container.

These problems experienced by users of lithium ion batteries raise concern about use of these batteries in commercial aviation. The intent of these special conditions is to establish appropriate airworthiness standards for lithium ion battery installations in the 787 and to ensure, as required by 14 CFR 25.601, that these battery installations are not hazardous or unreliable. To address these concerns, these special conditions adopt the following requirements:

- Those sections of 14 CFR 25.1353 that are applicable to lithium ion batteries.
- The flammable fluid fire protection requirements of 14 CFR 25.863. In the past, this rule was not applied to batteries of transport category airplanes, since the electrolytes used in lead-acid and nickel-cadmium batteries are not flammable.
- New requirements to address the hazards of overcharging and over-discharging that are unique to lithium ion batteries.
- New maintenance requirements to ensure that batteries used as spares are maintained in an appropriate state of charge.

These special conditions are similar to special conditions adopted for the Airbus A380 (71 FR 74755; December 13, 2006).

Discussion of Comments

Notice of Proposed Special Conditions No. 25-07-10-SC for the 787 was published in the **Federal**

Register on April 30, 2007 (72 FR 21162). We received comments from the Air Line Pilots Association, International, which are discussed below.

The Air Line Pilots Association (ALPA) conditionally supports the FAA's proposal for special conditions for lithium ion batteries on the 787 aircraft, but "strongly maintains that there need to be adequate protections and procedures in place to ensure that concerns regarding lithium ion batteries are fully addressed and protected against." Appended to the ALPA comments was a copy of FAA report DOT/FAA/AR-06/38, September 2006, Flammability Assessment of Bulk-Packed, Rechargeable Lithium-Ion Cells In Transport Category Aircraft. With the knowledge of the safety hazards described in the appended report and by others, ALPA requested that the FAA consider the specific concerns discussed below.

• *ALPA Comment re Special Condition (3):* The commenter requested that paragraph 3 of the special conditions be revised to ensure that the certification design of the 787 prevents explosive or toxic gases emitted by a lithium ion battery from entering the cabin. The commenter also requested that the FAA ensure that flightcrew procedures and training are adequate to protect both passengers and crew, if explosive or toxic gases do enter the cabin.

FAA Response: 14 CFR 25.857 prohibits hazardous quantities of smoke, flames, or extinguishing agents from cargo compartments from entering any compartment occupied by the crew or passengers. Paragraph (3) of these special conditions specifies that

No explosive or toxic gases emitted by any lithium ion battery in normal operation, or as the result of any failure of the battery charging system, monitoring system, or battery installation not shown to be extremely remote, may accumulate in hazardous quantities within the airplane.

The special conditions require that any explosive or toxic gases emitted by a lithium ion battery be limited to less than hazardous quantities everywhere on the airplane. The FAA does not expect the need for additional training above and beyond the training that crews receive today. We made no change to these special conditions as a result of this comment.

• *ALPA Comment re Special Condition (4):* The commenter stated,

We are very concerned with a fire erupting in flight, and being able to rapidly extinguish it. The Special Conditions should require that there be a means provided to apply extinguishing agents by the flight (cabin

crew instead of promoting it as an option in managing the threat posed by the use of lithium-ion batteries. ALPA maintains that the petitioner must provide means for extinguishing fires that occur vs. listing it as an option in § 25.863.

ALPA clarified this comment in the following communication, sent by e-mail on August 10, 2007.

The intent of our comments submitted to the Docket for question [Special Condition] Number 4 (see below) is to assure that the FAA includes language or makes it clear in the Special Conditions directing the OEM or a potential STC applicant that a fire from these devices, in any situation, is unacceptable. ALPA requests the FAA reiterate that preventing a fire and not reacting to one, if one occurs, is critical. The last sentence of our comments in this Question [Special Condition] refers to the potential for an "equivalent level of safety" being introduced or referenced in the document that would negate the prevention of a fire; ALPA finds this "option" unacceptable.

(4) Installations of lithium ion batteries must meet the requirements of 14 CFR 25.863(a) through (d).

The proposal states that the certification requirements of § 25.283 [§ 25.863] must be complied with; however, the FAA report (FAA report DOT/FAA/AR-06/38, September 2006) indicates that a relatively small fire source is sufficient to heat the lithium-ion cell above the temperature required to activate the pressure release mechanism in the cell. This causes the cell to forcefully vent its electrolyte through the relief ports near the positive terminal. The electrolyte is highly flammable and easily ignites when exposed to an open flame or hot surface. Fully charged cells released small white sparks along with the electrolyte.

FAA Response: The FAA shares the commenter's concern over a fire erupting in flight. The regulations and the rigid requirements defined in these special conditions are intended to prevent lithium battery fires on board the aircraft. We have made no change as a result of this comment.

• *ALPA Comment re Special Condition (7):* The commenter suggested that the special conditions address means to ensure that the lithium ion batteries do not overheat or overcharge in the event of failure or malfunction of the automatic disconnect function, when a means of disconnecting the batteries from the charging source is not available.

FAA Response: The FAA agrees with the commenter. Special Condition (7) requires means to prevent overheating or overcharging of lithium ion batteries in the event of failure or malfunction of the automatic disconnect function. The issue of failure modes of the lithium ion batteries is covered by Special Conditions (1), (2), and (6). We made no change as a result of this comment.

• *ALPA Comment re Special Condition (8)*: Finally, ALPA commented on monitoring and warning features that will indicate when the state-of-charge of the batteries has fallen below levels considered acceptable for dispatch of the airplane. The commenter suggested that the special conditions address the location of the warning indication; whether it is displayed to the captain, the crew, or both; and the training to be incorporated in the crew training programs.

FAA Response: Flight deck warning indicators associated with the state-of-charge of the lithium ion battery and appropriate training of the crew will be addressed during certification as part of the flight deck evaluation. As required by § 25.1309(c), this evaluation will ensure that the warning indication is effective and appropriate for the hazard. We made no change as a result of this comment.

These special conditions are issued as proposed.

Applicability

As discussed above, these special conditions are applicable to the 787. Should Boeing apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design features, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the 787. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 787–8 airplane.

In lieu of the requirements of 14 CFR 25.1353(c)(1) through (c)(4), the following special conditions apply. Lithium ion batteries on the Boeing Model 787–8 airplane must be designed and installed as follows:

(1) Safe cell temperatures and pressures must be maintained during any foreseeable charging or discharging condition and during any failure of the

charging or battery monitoring system not shown to be extremely remote. The lithium ion battery installation must preclude explosion in the event of those failures.

(2) Design of the lithium ion batteries must preclude the occurrence of self-sustaining, uncontrolled increases in temperature or pressure.

(3) No explosive or toxic gases emitted by any lithium ion battery in normal operation, or as the result of any failure of the battery charging system, monitoring system, or battery installation not shown to be extremely remote, may accumulate in hazardous quantities within the airplane.

(4) Installations of lithium ion batteries must meet the requirements of 14 CFR 25.863(a) through (d).

(5) No corrosive fluids or gases that may escape from any lithium ion battery may damage surrounding structure or any adjacent systems, equipment, or electrical wiring of the airplane in such a way as to cause a major or more severe failure condition, in accordance with 14 CFR 25.1309(b) and applicable regulatory guidance.

(6) Each lithium ion battery installation must have provisions to prevent any hazardous effect on structure or essential systems caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

(7) Lithium ion battery installations must have a system to control the charging rate of the battery automatically, so as to prevent battery overheating or overcharging, and,

(i) A battery temperature sensing and over-temperature warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition, or,

(ii) A battery failure sensing and warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

(8) Any lithium ion battery installation whose function is required for safe operation of the airplane must incorporate a monitoring and warning feature that will provide an indication to the appropriate flight crewmembers whenever the state-of-charge of the batteries has fallen below levels considered acceptable for dispatch of the airplane.

(9) The Instructions for Continued Airworthiness required by 14 CFR 25.1529 must contain maintenance requirements for measurements of battery capacity at appropriate intervals to ensure that batteries whose function

is required for safe operation of the airplane will perform their intended function as long as the battery is installed in the airplane. The Instructions for Continued Airworthiness must also contain procedures for the maintenance of lithium ion batteries in spares storage to prevent the replacement of batteries whose function is required for safe operation of the airplane with batteries that have experienced degraded charge retention ability or other damage due to prolonged storage at a low state of charge.

Note: These special conditions are not intended to replace 14 CFR 25.1353(c) in the certification basis of the Boeing 787–8 airplane. These special conditions apply only to lithium ion batteries and their installations. The requirements of 14 CFR 25.1353(c) remain in effect for batteries and battery installations of the Boeing 787–8 airplane that do not use lithium ion batteries.

Issued in Renton, Washington, on September 28, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–19980 Filed 10–10–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM366 Special Conditions No. 25–348–SC]

Special Conditions: Boeing Model 787–8 Airplane; Composite Wing and Fuel Tank Structure—Fire Protection Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Boeing Model 787–8 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These novel or unusual design features are associated with composite materials chosen for the construction of the fuel tank skin and structure. For these design features, the applicable airworthiness regulations do not contain adequate or appropriate safety standards for wing and fuel tank structure with respect to postcrash fire safety. These special conditions contain the additional safety standards that the Administrator considers necessary to

establish a level of safety equivalent to that established by the existing standards. We will issue additional special conditions for other novel or unusual design features of the Boeing Model 787-8 airplanes.

DATES: *Effective Date:* November 13, 2007.

FOR FURTHER INFORMATION CONTACT:

Mike Dostert, FAA, Propulsion/Mechanical Systems, ANM-112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-2132; facsimile (425) 227-1320.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 2003, Boeing applied for an FAA type certificate for its new Boeing Model 787-8 passenger airplane. The Boeing Model 787-8 airplane will be an all-new, two-engine jet transport airplane with a two-aisle cabin. The maximum takeoff weight will be 476,000 pounds, with a maximum passenger count of 381 passengers.

Type Certification Basis

Under provisions of Title 14 Code of Federal Regulations (CFR) 21.17, Boeing must show that Boeing Model 787-8 airplanes (hereafter referred to as "the 787") meet the applicable provisions of 14 CFR part 25, as amended by Amendments 25-1 through 25-117, except §§ 25.809(a) and 25.812, which will remain at Amendment 25-115. If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the 787 because of a novel or unusual design feature, special conditions are prescribed under provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the 787 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy under section 611 of Public Law 92-574, the "Noise Control Act of 1972."

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special

conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

The 787 will incorporate a number of novel or unusual design features. Because of rapid improvements in airplane technology, the applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions for the 787 contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

The 787 will be the first large transport category airplane not built mainly with aluminum materials for the fuel tank structure. Instead it will use chiefly composite materials for the structural elements and skin of the wings and fuel tanks. Conventional airplanes with aluminum skin and structure provide a well understood level of safety during postcrash fires with respect to fuel tanks. This is based on service history and extensive full-scale fire testing. Composites may or may not have capabilities equivalent to aluminum, and current regulations do not provide objective performance requirements for wing and fuel tank structure with respect to postcrash fire safety. Use of composite structure is new and novel compared to the designs envisioned when the applicable regulations were written. Because of this, Boeing must present additional confirmation by test and analysis that the 787 provides an acceptable level of safety with respect to the performance of the wings and fuel tanks during an external fuel-fed fire.

Although the FAA has previously approved fuel tanks made of composite materials that are located in the horizontal stabilizer of some airplanes, the composite wing structure of the 787 will introduce a new fuel tank construction into service. Advisory Circular (AC) 20-107A, Composite Aircraft Structure, under the topic of flammability, states: "The existing requirements for flammability and fire protection of aircraft structure attempt to minimize the hazard to the occupants in the event ignition of flammable fluids or vapors occurs. The use of composite structure should not decrease this existing level of safety." The relevance to the wing structure is that postcrash fire passenger survivability is dependent on the time available for passenger evacuation before fuel tank breach or structural failure. Structural failure can be a result of degradation in load-carrying capability in the upper or lower

wing surface caused by a fuel-fed ground fire. Structural failure can also be a result of over-pressurization caused by ignition of fuel vapors in the fuel tank.

The FAA has historically developed rules with the assumption that the material of construction for wing and fuselage would be aluminum. As a representative case, § 25.963 was developed because of a large fuel-fed fire following the failures of fuel tank access doors caused by uncontained engine failures. During the subsequent Aviation Rulemaking Advisory Committee (ARAC) harmonization process with the JAA,¹ the structures group tried to harmonize the requirements of § 25.963 for impact and fire resistance of fuel tank access panels. Both authorities recognized that existing aluminum wing structure provided an acceptable level of safety. Further rulemaking has not yet been pursued.

As with previous Boeing airplane designs with underwing mounted engines, the wing tanks and center tanks are located in proximity to the passengers and near the engines. Experience indicates postcrash survivability is greatly influenced by the size and intensity of any fire that occurs. The ability of aluminum wing surfaces wetted by fuel on their interior surface to withstand postcrash fire conditions has been shown by tests conducted at the FAA Technical Center. These tests have verified adequate dissipation of heat across wetted aluminum fuel tank surfaces so that localized hot spots do not occur, thus minimizing the threat of explosion. This inherent capability of aluminum to dissipate heat also allows the wing lower surface to retain its load carrying characteristics during a fuel-fed ground fire. It significantly delays wing collapse or burn-through for a time interval that usually exceeds evacuation times. In addition, as an aluminum fuel tank is heated with significant quantities of fuel inside, fuel vapor accumulates in the ullage space, exceeding the upper flammability limit relatively quickly and thus reducing the threat of a fuel tank explosion prior to fuel tank burn-through. Service history of conventional aluminum airplanes has shown that fuel tank explosions caused

¹ The JAA is the Joint Aviation Authority of Europe and the JAR is its Joint Aviation Requirements, the equivalent of our Federal Aviation Regulations. In 2003, the European Aviation Safety Agency (EASA) was formed, and EASA is now the principal aviation regulatory agency in Europe. We intend to work with EASA to ensure that our rules are also harmonized with its Certification Specifications (CS). But since these efforts in developing harmonization of § 25.963 occurred before EASA was formed, it was the JAA that was involved with them.

by ground fires have been rare on airplanes configured with flame arrestors in the fuel tank vent lines. Fuel tanks constructed with composite materials may or may not have equivalent capability.

Current regulations were developed and have evolved under the assumption that wing construction would be of aluminum materials, which provide inherent properties. Current regulations may not be adequate when applied to airplanes constructed of different materials.

Aluminum has the following properties with respect to fuel tanks and fuel-fed external fires.

- Aluminum is highly thermally conductive. It readily transmits the heat of a fuel-fed external fire to fuel in the tank. This has the benefit of rapidly driving the fuel tank ullage to exceed the upper flammability limit prior to burn-through of the fuel tank skin or heating of the wing upper surface above the auto-ignition temperature. This greatly reduces the threat of fuel tank explosion.

- Aluminum panels at thicknesses previously used in wing lower surfaces of large transport category airplanes have been fire resistant as defined in 14 CFR part 1 and AC 20-135.

- The heat absorption capacity of aluminum and fuel will prevent burn-through or wing collapse for a time interval that will generally exceed the passenger evacuation time.

The extensive use of composite materials in the design of the 787 wing and fuel tank structure is considered a major change from conventional and traditional methods of construction. This will be the first large transport category airplane to be certificated with this level of composite material for these purposes. The applicable airworthiness regulations do not contain specific standards for postcrash fire safety performance of wing and fuel tank skin or structure.

Discussion of Special Conditions

In order to provide the same level of safety as exists with conventional airplane construction, Boeing must demonstrate that the 787 has sufficient postcrash survivability to enable occupants to safely evacuate in the event that the wings are exposed to a large fuel-fed fire. Factors in fuel tank survivability are the structural integrity of the wing and tank, flammability of the tank, burn-through resistance of the wing skin, and the presence of auto-ignition threats during exposure to a fire. The FAA assessed postcrash survival time during the adoption of Amendment 25-111 for fuselage burn-

through protection. Studies conducted by and on behalf of the FAA indicated that, following a survivable accident, prevention of fuselage burn-through for approximately 5 minutes can significantly enhance survivability. (See report numbers DOT/FAA/AR-99/57 and DOT/FAA/AR-02/49.) There is little benefit in requiring the design to prevent wing skin burn-through beyond five minutes, due to the effects of the fuel fire itself on the rest of the airplane. That assessment was carried out based on accidents involving airplanes with conventional fuel tanks, and considering the ability of ground personnel to rescue occupants. In addition, AC 20-135 indicates that, when aluminum is used for fuel tanks, the tank should withstand the effects of fire for 5 minutes without failure. Therefore, to be consistent with existing capability and related requirements, the 787 fuel tanks must be capable of resisting a postcrash fire for at least 5 minutes. In demonstrating compliance, Boeing must address a range of fuel loads from minimum to maximum, as well as any other critical fuel load.

Discussion of Comments

Notice of Proposed Special Conditions No. 25-07-03-SC for the 787 was published in the **Federal Register** on April 9, 2007 (72 FR 17441). Two comments were received from the Air Line Pilots Association, International (ALPA), two from Airbus, and several from members of the public.

Comment 1—Air Line Pilots Association (ALPA). The Air Line Pilots Association, International questioned whether the 787 will be required to comply with any and all rules related to fuel tank inerting/flammability requirements of 14 CFR parts 25 and 121 and the guidance in Advisory Circular 25.981-2A.

FAA Response. The 787 will be required to meet the current requirements for the certification basis of the airplane that include fuel vapor flammability standards, and we will be proposing additional requirements within special conditions for a nitrogen inerting system. The certification basis for the 787 includes Amendment 25-102, which includes the § 25.981(c) requirement for minimization of fuel tank flammability. In the preamble to Amendment 25-102 we described the intended level of flammability to be equivalent to an unheated aluminum wing fuel tank. The composite fuel tank structure of the 787 does not inherently meet this flammability standard because of the difference in thermal conductivity between composite materials and aluminum. Boeing has proposed a

design that includes a nitrogen inerting system to meet the flammability standard. Because of this novel and unique feature that provides nitrogen enriched air to all fuel tanks, we will be publishing proposed special conditions for public comment.

We have made no changes to these special conditions as a result of this comment.

Comment 2—ALPA. ALPA also commented that it is important to determine the characteristics of composites after prolonged exposure to moisture of any kind (humidity, liquid, deicing fluid, fuel etc.) and stated that the FAA must conduct or endorse research to determine whether composite materials are susceptible to absorbing liquids during prolonged exposure. The commenter also stated that research must be done to determine effects of water (or other liquid) intrusion on the aircraft weight, controllability, flammability, and survivability.

FAA Response. The FAA concurs with the concerns of the commenter and has discussed these items with the applicant. The existing airworthiness regulations for certification require that all parts and components be qualified for all foreseeable environmental conditions as installed on the airplane. Therefore, as part of the material certification and approval, the composite material is required to be subjected to accelerated environmental exposure to all liquids anticipated to be in contact with the material for the life of the aircraft. This includes but is not limited to water, salt spray, fuel, hydraulic fluid, and de-icing fluids. Any material effects due to this exposure testing will have to be considered in showing the material's ability to perform its intended function, including consideration for the life and performance of the material. These environmental qualifications are required by existing airworthiness regulations and are therefore not required to be included in the special conditions for composite structure. We have made no changes to these special conditions as a result of this comment.

Comment 3—Airbus. Airbus noted a reference in the proposed special conditions to testing conducted at the FAA Technical Center that demonstrated aluminum fuel tank performance under postcrash fire conditions. The commenter requested access to the documentation for review of the test data to understand the applied conditions and parameters of the test.

FAA Response. The noted reports are available to the public via the FAA

Technical Center Website for Fire Safety at <http://www.fire.tc.faa.gov/>. The document we were referring to in the proposed special conditions was document FAA-RD-75-119,

Investigation of Aircraft Fuel Tank Explosions and Nitrogen Inerting Requirements During Ground Fires. We have made no changes to these special conditions as a result of this comment.

Comment 4—Airbus. Airbus also requested clarification of the following statement on page 17443 of the **Federal Register**, under the heading “Discussion of Proposed Special Conditions:” * * * AC 20-135 indicates that, when aluminum is used for fuel tanks, the tank should withstand the effects of fire for 5 minutes without failure.” Airbus said this statement needed clarification, because the actual language in the AC discusses fire resistance of a number of elements, but does not consider the fuel tank as a whole.

FAA Response. The commenter is correct that AC 20-135 does not specifically refer to demonstrating that the fuel tank as a whole is fire resistant. In the past fuel tanks have typically been constructed of aluminum, which is considered to be fire resistant. AC 20-135 provides general guidance on how materials can be shown to be fire resistant if they can withstand the effects of fire for 5 minutes. These special conditions require that the fuel tank be shown to meet fire resistance standards and one means of showing a material meets these standards is described in the AC. Since the fuel tank is constructed of composite materials, we consider the guidance in the AC to be applicable to the fuel tank as a whole. We’ve made no change to these special conditions as a result of this comment.

The following four comments, received from the public, were outside the scope of these special conditions.

Comment 5. One commenter requested that the FAA and foreign authorities pursue rulemaking activities to develop specific rules related to use of composite materials for basic airframe structure.

FAA Response. Although this comment does not address the context of these special conditions, we agree that current transport category rules do not adequately address the unique aspects of composite structure. These special conditions, and others for the 787 and other certification projects involving composite structure, are the first steps in establishing new airworthiness standards. We anticipate that these special conditions will be followed by rulemaking activity to establish similar standards in the

applicable sub-parts of part 25. The FAA cannot comment on the position of other foreign authorities in this regard. No change to the special conditions is required.

Comment 6. This commenter also requested that the scope of the special conditions be expanded to include evaluation of the fuselage, wing, and fuel tank to simulate actual survivable crash conditions during a fuel fed fire with respect to fire, smoke, and toxicity and passenger survivability. The commenter requested that the special conditions address fire, smoke, and toxicity environments within the fuselage interior during an external fuel fed fire.

FAA Response. While we agree with the commenter that these are important considerations, the FAA has determined that this comment is outside the scope of these special conditions because they are limited to performance of the wing and fuel tank structure during a postcrash ground fire. The performance of the fuselage barrel and interiors during a fuel-fed fire is already addressed by existing regulations (reference 14 CFR 25.853, 25.855, and 25.856 and Appendix F for current standards for airplane interior fire safety). We have determined that existing regulations for a fuel-fed external fire are adequate to address cabin interiors, including those issues suggested by the commenter, and special conditions are not warranted. In addition, while full scale fire tests of the wing and fuselage were considered by the FAA, we determined that requiring a large scale fire test could be overly prescriptive. The means of complying with the objectives of these special conditions will be reviewed and approved by the FAA. In addition, although the performance standards for the wing and fuselage were developed independently, they have a common objective of preserving the current level of safety provided by aluminum airplanes. After reviewing this comment, we have determined that no change to the special conditions is required.

Comment 7. This commenter has noted that burn-through tests at the component level do not address high lateral fire burning rates or fire and smoke ingress into the cabin. The commenter suggested testing should be expanded to include a full scale fire test of a fuselage barrel section with all exits opened and slides deployed throughout the test.

FAA Response. The FAA has determined that the requirements for the smoke, toxicity, and fire resistance of the fuselage materials are adequately

addressed by the current regulations and, therefore, inclusion in these special conditions is unwarranted. The intent and scope of these special conditions was to ensure that the wing and fuel tank structure will not pose an additional hazard to passengers and crew during postcrash fire scenarios because of the introduction of composite materials. Cabin safety special conditions have been developed and published for comment in Special Conditions No. 25-07-09-SC, Docket No. NM373, published April 26, 2007 (72 FR 20774). Those special conditions require that the 787 provide the same level of in-flight survivability as a conventional aluminum fuselage airplane. This includes its thermal/acoustic insulation meeting requirements of § 25.856(a). Those special conditions state that resistance to flame propagation must be shown, and all products of combustion that may result must be evaluated for toxicity and found acceptable.

We have made no changes to these special conditions as a result of this comment.

Comment 8. Another commenter provided extensive background information on the current level of safety provided by the crashworthiness of aluminum transport category airframes. This commenter expressed concern that the introduction of a composite fuselage will reduce the crashworthiness of transport airplanes. The commenter further requested that we impose a fuselage drop test for the 787 to ensure that the current level of safety provided by an aluminum fuselage is provided by the composite materials used in the construction of the 787 fuselage.

FAA Response: We would like to note that the scope of these special conditions is limited to the fire safety provisions of the fuel tanks and wing structure during a fuel-fed ground fire. These special conditions are not intended to address the structural crashworthiness of the airframe. We have considered the impact of composites on airframe crashworthiness and have proposed Special Conditions 25-07-05-SC, published on June 11, 2007, in the **Federal Register** (72 FR 32021). As stated in those special conditions, “The Boeing Model 787-8 must provide an equivalent level of occupant safety and survivability to that provided by previously certificated wide-body transports of similar size under foreseeable survivable impact events for the following four criteria. In order to demonstrate an equivalent level of occupant safety and survivability, the applicant must demonstrate that the

Model 787-8 meets the following criteria for a range of airplane vertical descent velocities up to 30 ft/sec * * * The FAA considers that proposed Special Conditions 25-07-05-SC adequately addresses the commenter's concerns for crashworthiness and we note that the commenter had opportunity to submit comments to that proposal as well. We have made no changes to these special conditions as a result of this comment.

Applicability

As discussed above, these special conditions are applicable to the 787. Should Boeing apply at a later date for a change to the type certificate to include another model on the same type certificate incorporating the same novel or unusual design features, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the 787. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 787-8 airplane.

In addition to complying with 14 CFR part 25 regulations governing the fire-safety performance of the fuel tanks, wings, and nacelle, the Boeing Model 787-8 must demonstrate acceptable postcrash survivability in the event the wings are exposed to a large fuel-fed ground fire. Boeing must demonstrate that the wing and fuel tank design can endure an external fuel-fed pool fire for at least 5 minutes. This shall be demonstrated for minimum fuel loads (not less than reserve fuel levels) and maximum fuel loads (maximum range fuel quantities), and other identified critical fuel loads. Considerations shall include fuel tank flammability, burn-through resistance, wing structural strength retention properties, and auto-ignition threats during a ground fire event for the required time duration.

Issued in Renton, Washington, on September 28, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-20031 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-28172; Directorate Identifier 2007-NE-23-AD; Amendment 39-15224; AD 2007-21-06]

RIN 2120-AA64

Airworthiness Directives; General Electric Company (GE) CF6-80C2A5F Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for GE CF6-80C2A5F turbofan engines installed on, but not limited to, Airbus A300F4-605R airplanes. This AD requires removing previous software versions from the engine electronic control unit (ECU). Engines with new version software will have increased margin to flameout. This AD results from reports of engine flameout events during flight, including reports of events where all engines simultaneously experienced a flameout or other adverse operation. Although the root cause investigation is not yet complete, we believe that exposure to ice crystals during flight is associated with these flameout events. We are issuing this AD to minimize the potential of an all-engine flameout event caused by ice accretion and shedding during flight.

DATES: This AD becomes effective November 15, 2007.

ADDRESSES: You can get the service information identified in this AD from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672-8400, fax (513) 672-8422.

The Docket Operations office is located at U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: John Golinski, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: john.golinski@faa.gov; telephone: (781) 238-7135, fax: (781) 238-7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to GE CF6-80C2A5F turbofan

engines installed on Airbus A300 series airplanes. We published the proposed AD in the **Federal Register** on June 28, 2007 (72 FR 35366). That action proposed to require removing previous software versions from the engine ECU. Engines with new version software will have increased margin to flameout.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Follow the online instructions for accessing the docket. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Applicability Clarification

One commenter, Airbus, points out that CF6-80C2A5F engines are installed on Airbus A300-600 series airplanes, and not on Airbus A300 series airplanes, as we stated in the proposed AD. We agree that the applicability needs clarification. However, to be more accurate, we changed the AD to state that the CF6-80C2A5F engines are installed on, but not limited to, Airbus A300F4-605R airplanes.

Request To Exclude Airplanes

Airbus requests that we exclude airplanes that have incorporated modification number (No.) 13270, from the AD applicability. Airbus did not provide any technical rationale, information, or explanation regarding the content of modification No. 13270, or why airplanes with modification No. 13270 should be excluded from the AD.

We do not agree. We believe that modification No. 13270 might be an Airbus design change for removing previous versions of software from engines and incorporating new software. We state in the AD that the actions are required unless previously done. Airbus airplanes that have previously incorporated the actions of this AD by following the GE Service Bulletin, or any other document, such as Airbus modification No. 13270, have satisfied the requirements of this AD, and no

further action is required. We did not change the AD.

Request To Add Airbus Service Bulletin Reference

Airbus requests that we add a reference to Airbus Service Bulletin No. A300-73-6032, dated May 23, 2007 as another source of information on the subject. Airbus provided no explanation for adding the reference.

We do not agree. The AD requirements are for the GE CF6-80C2A5F turbofan engine, and not the airplane. Airbus did not send us a copy of their Service Bulletin, so we do not know the contents of it. We did not change the AD.

Update of Service Bulletin Reference

In the related material paragraph, the proposed AD referenced GE software upgrade Service Bulletin No. CF6-80C2 S/B 73-0352, dated February 7, 2007. GE has since revised that Service Bulletin and we updated the reference to Service Bulletin No. CF6-80C2 S/B 73-0352, Revision 1, dated September 12, 2007, in that paragraph.

Request for Additional Information

Airbus requests that we provide additional information to them on the number of engine flameout reports defined in the proposed AD.

We do not agree. GE has stated that they will continue to periodically update the airplane manufacturers on the root cause investigation and any revenue service flameout events. We did not change the AD.

Request for Differences Between GE Service Bulletin and AD To Be Reconciled

KLM Royal Dutch Airlines states that the proposed AD statements regarding prohibition of installing ECUs with pre GE Service Bulletin No. 73-0352 software after 24 months of AD effective date, is different from the GE Service Bulletin requirement. The commenter requests that differences between the Service Bulletin and the AD be reconciled.

We do not agree. Both the AD and Service Bulletin compliance program identify 24 months as the calendar time cap for incorporating the software change. The AD requires that the new software be installed after 24 months. The Service Bulletin does not provide this statement but recommends the actions of the Service Bulletin be done within 24 months of the original issue date of the SB. We believe the intent of the AD and SB are the same, and that the AD program is appropriate for balancing the actions to address the

unsafe condition and impact to the fleet. We did not change the AD.

Proposed AD Allows for No Exemptions

KLM Royal Dutch Airlines states that, unlike AD 2007-12-07 (Boeing 747 and 767 ECU fleet) the proposed AD allows for no exemptions. The commenter requests that we allow for exemptions, to make the AD in line with other ADs for CF6-80C2 engine applications.

We do not agree. The AD actions for AD 2007-12-07 were developed specifically for the affected fleet of CF6-80C2 engines installed on Boeing 747 and 767 airplanes. That action considers the number of affected engines, available resources, risk of unsafe condition, and other factors. The actions identified in this AD are specific to the CF6-80C2 engines installed on Airbus A300F4-605R airplanes, and are appropriate for balancing the actions needed to address the unsafe condition and impact to the fleet. We did not change the AD.

Request To Rewrite All of the CF6-80 Ice Accretion ADs

KLM Royal Dutch Airlines requests that we rewrite all of the compliance requirements and determination definitions for all of the CF6-80 ice accretion ADs, to make them identical. The commenter did not provide any justification for this change.

We do not agree. We developed the AD compliance programs for the icing inclement weather threat for the various fleets of CF6-80C2 and CF6-80E1 engines. These AD programs are different relative to corrective actions, due to several factors, including risk of unsafe condition, fleet size, and available resources. We believe having a tailored compliance plan for each population of CF6 engine provides the best approach of mitigating the risk of an unsafe condition and minimizing the impact to the respective fleet. We did not change the AD.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect 81 CF6-80C2A5F turbofan engines installed on Airbus A300F4-605R airplanes of U.S. registry. We also estimate it will take about 3.5 work-

hours per ECU to perform the actions. The average labor rate is \$80 per work-hour. Based on these figures, we estimate the cost to U.S. operators to be \$22,680. Our cost estimate is exclusive of warranty coverage.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2007–21–06 General Electric Company:
Amendment 39–15224. Docket No.
FAA–2007–28172; Directorate Identifier
2007–NE–23–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 15, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric Company (GE) CF6–80C2A5F turbofan engines, installed on, but not limited to, Airbus A300F4–605R airplanes.

Unsafe Condition

(d) This AD results from reports of engine flameout events during flight, including reports of events where all engines simultaneously experienced a flameout or other adverse operation. We are issuing this AD to minimize the potential of an all-engine flameout event, due to ice accretion and shedding during flight. Exposure to ice crystals during flight is believed to be associated with these flameout events.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Interim Action

(f) These actions are interim actions due to the on-going investigation, and we may take further rulemaking actions in the future based on the results of the investigation and field experience.

Engine ECU Software Removal

(g) Within 24 months after the effective date of this AD, remove software version 8.4.E or older versions, from the engine ECUs, part numbers 1797M63P01, 1797M63P02, 1797M63P03, 1797M63P04, 1797M63P05, 1820M99P01, 1820M99P02, 1820M99P03, 1820M99P04, and 1820M99P05.

Previous Software Versions of ECU Software

(h) You may use an ECU installed on an engine with a software version of 8.4.E or older for no longer than 24 months after the effective date of this AD.

(i) Once software version 8.4.E or older has been removed and new FAA-approved software version is installed in an ECU, reverting to version 8.4.E or older of ECU software in that ECU is prohibited.

(j) After 24 months from the effective date of this AD, use of an ECU with a software version of 8.4.E or older is prohibited.

Alternative Methods of Compliance

(k) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Special Flight Permits

(l) Special flight permits are not authorized.

Related Information

(m) Information on removing ECU software and installing new software, which provides increased margin to flameout, can be found in GE Service Bulletin No. CF6–80C2 S/B 73–0352, Revision 1, dated September 12, 2007.

(n) Contact John Golinski, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: john.golinski@faa.gov; telephone: (781) 238–7135, fax: (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(o) None.

Issued in Burlington, Massachusetts, on October 4, 2007.

Thomas A. Boudreau,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7–20036 Filed 10–10–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–21175; Directorate Identifier 2005–CE–24–AD; Amendment 39–15220; AD 2007–21–02]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Models 58P and 58TC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA adopts a new airworthiness directive (AD) for certain Raytheon Aircraft Company (RAC) Models 58P and 58TC airplanes that were used as lead airplanes by the United States Forest Service (USFS). This AD establishes new limits for the structural life of the airframe (wing, fuselage, empennage, and associated structure) through the incorporation of a supplement to the Limitations Section of the pilot's operating handbook and airplane flight manual (POH/AFM). This AD results from the FAA's analysis and

determination that the operational history and usage of the affected airplanes requires a reduction in the structural life limit to 4,500 hours time-in-service (TIS) for the airframe (wing, fuselage, empennage, and associated structure). We are issuing this AD to prevent structural failure of the airframe (wing, fuselage, empennage, or associated structure) based on the operational history and usage of the affected airplanes. Such failure could lead to loss of control.

DATE: This AD becomes effective on November 15, 2007.

ADDRESSES: To get the service information identified in this AD, contact Hawker Beechcraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140.

To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at <http://dms.dot.gov>. The docket number is FAA–2005–21175; Directorate Identifier 2005–CE–24–AD.

FOR FURTHER INFORMATION CONTACT:

Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946–4124; fax: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Discussion

On November 16, 2005, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain RAC Models 58P and 58TC airplanes that were used as lead airplanes by the USFS. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 22, 2005 (70 FR 70555). The NPRM proposed to establish new limits for the structural life of the airframe (wing, fuselage, empennage, and associated structure) through the incorporation of a new supplement into the Limitations Section of the POH/AFM; and require the disposal of the life-limited airframe following 14 CFR 43.10 when the structural life limit of the airframe is reached.

Comments

We provided the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal and the FAA's response to each comment.

Comment Issue No. 1: Public Use Aircraft

Four commenters, including Winstead Sechrest & Minick P.C. (referred to after this as "Winstead"), discuss the use of these airplanes in public aircraft operations. These airplanes were previously used in public aircraft operations by the USFS. We infer that the commenters request approval to use these airplanes in public aircraft operations beyond the life limits of 4,500 hours TIS.

When these airplanes were operated solely as public aircraft, they were exempt from many FAA regulations. However, since some of these airplanes may now be utilized as civil aircraft, the FAA has the responsibility to oversee the continued operational safety of these airplanes. The FAA must take into account the operational history and past usage of the airplanes. We do not agree that these airplanes should be exempt from the 4,500-hour TIS life limit because the airplanes could still be used as civil aircraft. Any time the airplane is used as a civil aircraft, the 4,500-hour TIS life limit will apply.

Airplanes used in public aircraft operations are exempt from many FAA regulations. However, these exemptions only apply when the airplane is operated in a public aircraft capacity. Advisory Circular (AC) 00-1.1, Government Aircraft Operations, reads:

The status of an aircraft as "public aircraft" or "civil aircraft" depends on its use in government service and the type of operation that the aircraft is conducting at the time. Rather than speaking of particular aircraft as public aircraft or civil aircraft, it is more precise to speak of particular operations as public or civil in nature. Example: An aircraft owned by a state government is used in the morning for a search and rescue mission. During the search and rescue operation, the aircraft is a public aircraft. Later that same day, however, the aircraft is used to fly the governor of the state from one meeting to another. At that time, the aircraft loses its public aircraft status and must be operated as a civil aircraft.

AC 00-1.1, Government Aircraft Operations, is available for review in its entirety at <http://www.airweb.faa.gov>.

Federal Aviation Regulations (14 CFR part 91) prohibits a pilot from operating a civil aircraft unless it is in an airworthy condition. AC 00-1.1 also addresses this subject:

[Federal Aviation Regulations] part 91 prohibits a pilot from operating a civil aircraft unless it is in an airworthy condition. The pilot in command (PIC) is responsible for determining whether the aircraft is in condition for safe flight. The PIC is required to terminate the flight when unairworthy mechanical, electrical, or structural conditions occur. In addition, the PIC may

not operate the aircraft without complying with the operating limitations specified in the approved Airplane or Rotorcraft Flight Manual, markings, and placards, or as otherwise prescribed by the certificating authority of the country of registry.

So in the above example, although the aircraft may be primarily used in public operation, it is used as a civil aircraft also. Therefore, the pilot must assure the airplane operated as a civil aircraft is in an airworthy condition, which would include all ADs, limitations, life limits, and other mandated requirements.

There may be cases where an airplane is used solely in public operations. Although aircraft used in public operations are generally exempt from compliance with the Federal Aviation Regulations, the safety implications of the structural fatigue life (4,500 hours TIS) of the airframe are serious. Therefore, we strongly recommend operators of public-use-only aircraft comply with the structural fatigue life (4,500 hours TIS) of the airframe. We are adding a note to the Compliance section reiterating our concern and this recommendation.

We will not make any changes to the final rule AD based on these comments.

Comment Issue No. 2: Withdraw the NPRM, Suspend AD Action, and Reject the Reduced Life Limits

Four commenters, including the Charlotte County (Florida) Sheriff's Office, state that the FAA should withdraw the NPRM, suspend the AD action, and reject the reduced life limits established by RAC.

The FAA disagrees with the commenters. Airplanes certificated under the safe life regulations have a structural fatigue life limit based on the results of fatigue testing, fatigue analysis, and flight strain surveys. The structural fatigue life limits are determined by the mission profile and mission mix, flight length, number of ground-air-ground cycles, overall usage, and the severity of the fatigue spectrum. Utilizing the above criteria, the FAA has determined that the structural fatigue life of these 21 airplanes, which have been operated in a severe spectrum, must be reduced to 4,500 hours TIS. As stated earlier, we analyzed the past usage of the airplanes while under the responsibility of the USFS in making this determination.

We are not changing the final rule AD action as a result of these comments.

Comment Issue No. 3: The FAA Has Not Supplied Evidence That Shows the Need for AD Action and the FAA Should Disclose All Data

Five commenters, including Winstead, Charlotte County Sheriff's Department, Texas Firebirds, Down East Emergency Medicine Institute, and Merced County Mosquito Abatement District (all operators of affected airplanes), state that the FAA has not supplied evidence that shows the need for AD action and that the FAA should disclose all data. The commenters also state that, based on their analysis of the service difficulty reports (SDRs), there is not a need for the reduced fatigue structural life.

The FAA disagrees with the commenters. Establishing a structural fatigue life is not based solely on incidents/accidents. It is based on the evaluation of the mission profile and mission mix, flight length, the number of ground-air-ground cycles, the overall usage, and specifically in this case the severity of the fatigue spectrum. As stated earlier, these 21 airplanes were operated in a severe fatigue spectrum while under the responsibility of the USFS, and, now that the airplanes are in civil use, the FAA must analyze this past usage in making a decision on the structural fatigue life. SDRs are only one area the FAA evaluates in determining whether regulatory action is necessary to address safety. We agree that the SDR database alone would not justify the reduced life limit. However, when we consider the SDRs and the criteria described previously, especially the severe fatigue spectrum operations, continued operation of any of the 21 airplanes over 4,500 hours TIS would be unsafe. The FAA used the analysis of proprietary data from the type certificate holder. We are not allowed to include proprietary data in the public docket. All applicable data considered to be in the public domain is in the public docket.

We are not changing the final rule AD action as a result of these comments.

Comment Issue No. 4: FAA Policy on Reduction of Airframe Structural Fatigue Life Limits

One commenter, Dr. Robert M. Bowie, requests the FAA's policy on reducing the airframe structural fatigue life limits.

The FAA may decide to lower the life limits for airplanes subjected to severe usage. This occurs when the FAA learns of airplanes that are used significantly outside the fatigue spectrum used to establish the life limits. This more severe spectrum usage includes differences in the mission profile and

mission mix, flight length, the number of ground-air-ground cycles, and the overall usage.

When the FAA determines that a structural life limit must be reduced to address an unsafe condition, an AD is the only way to legally enforce the life limit. Section 14, paragraph 152 on page 109 of the Airworthiness Directives Manual FAA-IR-M-8040.1A (FAA-AIR-M-8040.1) is clear on this:

a. General. Airworthiness Directives that apply more restrictive life limits to products are issued when the current life limits contribute to an unsafe condition. Note that a change to a life limit appearing only in a manual or on type certificate data sheets, even if FAA-approved, does not require compliance by the pilot or operator (although the FAA encourages that known limits be taken into consideration). To be LEGALLY required, the change must be made through an AD.

We are not making any changes to the final rule AD based on these comments.

Comment Issue No. 5: Alternative Method of Compliance (AMOC)

Five commenters, including Winstead, state that the FAA should approve an AMOC for the AD action, specifically a repetitive inspection program. However, no commenter provides the data to substantiate an AMOC.

This AD, like most ADs, includes provisions for approval of AMOCs. The AD and 14 CFR 39.19 include procedures for applying for an AMOC. Part of these procedures is providing substantiating data that shows to the FAA the method is acceptable for addressing the unsafe condition. In this case, an AMOC that requests approval of a repetitive inspection program would need to address the damage tolerance of the structure. Typically, fracture mechanics-based methods that account for residual strength and crack propagation would address the unsafe condition and be found acceptable. Inspection methods must demonstrate the ability to reliably detect cracks before they grow to a critical size.

As in any AD where AMOC requests are acceptable, the FAA will evaluate any request for an AMOC that is submitted following the proper procedures. The proposal should contain the appropriate data that shows it addresses the unsafe condition. The FAA will evaluate the proposal based on the above criteria and determine whether it provides an acceptable level of safety. If it does, then we will approve the AMOC.

We are making no changes to the final rule AD action based on these comments.

Comment Issue No. 6: Government Buy-Back and Loss of Airplane Warranty

Three commenters, including John Ford, discuss a government buy-back of these airplanes and the applicability of the manufacturer's warranty. We conclude that the commenters request the government buy-back these airplanes and/or the manufacturer apply warranty coverage for the loss of the airplanes.

We understand that the entities that operate these aircraft have a concern with the government aircraft surplus process. However, the FAA has no authority to enter into any buy-back agreements.

Concerning the loss of airplane warranty, typically, the manufacturer's service information lists the required parts costs that are covered under warranty. This would mean that no charges or cost would be incurred by an airplane operator. However, in this case, there is no warranty involved. All of these airplanes were produced before 1985. The FAA has no control over warranty coverage for the affected parties; some parties may incur higher costs than the estimates here.

We are not making any changes to the final rule AD based on these comments.

Comment Issue No. 7: Economic Impact

Four commenters, including the Sarasota County (Florida) Sheriff's Office, note that this AD action will have a severe economic impact on the operators of the affected airplanes.

Because this AD will reduce the certificated life limit of the 21 airplanes utilized in a severe fatigue spectrum while under the responsibility of the USFS, the FAA recognizes that the AD will have an economic impact on those who currently use the airplanes. However, the FAA has determined that the safety implications of allowing these airplanes to continue to fly outweigh the economic impact that the AD would have on the affected operators of these airplanes.

We are making no changes to the final rule AD action based on these comments.

Comment Issue No. 8: Executive Orders, Regulatory Flexibility Act, and Small Business Administration Regulatory Enforcement Fairness Act of 1996

Two commenters, including the Down East Emergency Medical Institute, contend that the FAA violated several executive orders, the Regulatory Flexibility Act, and the Small Business Administration Regulatory Enforcement Fairness Act. They also suggest that an independent outside legal review be performed.

The FAA completed a regulatory evaluation to ensure that the proposed AD action met applicable executive orders; the Regulatory Flexibility Act; and other policies, procedures, and orders. We have included a description of the findings for this regulatory evaluation in the section entitled Regulatory Flexibility Determination. The FAA does not obtain independent outside legal reviews of AD actions. If the commenters desire such a review, then they may have such a review done at their expense.

We are not changing the final rule AD action as a result of these comments.

Comment Issue No. 9: Extend (Reopen) the Comment Period for the NPRM and Hold a Public Meeting

Six commenters, including the Texas Firebirds, request an extension of the comment period beyond the approximately 60 days provided by the NPRM and one commenter, Winstead, requests a public meeting with the FAA to discuss this AD action. The requests for extension range from an unspecified number of days to an additional 120 days. The majority of these commenters noted that the comment period coincided with the holidays that occur in November, December, and January.

The FAA believes the DOT/FAA standard public comment period of 60 days provided adequate opportunity for public input. We will continue to evaluate the need for a public meeting. However, we do not believe the AD action should be further delayed by reopening the comment period or holding a public meeting.

If, after the AD is issued, individuals present specific ideas that they feel need to be more fully addressed, the FAA will evaluate these ideas. Of specific interest would be alternative solutions to address the unsafe condition.

We are not reopening the comment period, holding a public meeting at this time, or changing the final rule AD action as a result of these comments.

Comment Issue No. 10: Agreement With FAA on This Airworthiness Action

Three commenters, one of which is National Flight Services, made comments that they generally agree with this AD action. They request no specific change to the AD.

Conclusion

We have also determined that the requirement proposed in the NPRM to dispose of the life-limited parts is not necessary by AD action. 14 CFR 43.10 requires that anyone who removes a life-limited part from an airplane ensure that the part is controlled using one of

the methods in paragraph (c) of the regulation. This includes a recordkeeping system, tag or record attached to part, non-permanent marking, permanent marking, segregation, mutilation, or other methods. This AD establishes the airframe structural life limit of the affected airplanes. Anyone removing the life-limited airframe (wing, fuselage, empennage, and associated structure) from one of the affected airplanes is obligated by 14 CFR 43.10 to control the part once it is removed. Therefore, it is not necessary to require this through AD action. We have included a Note in the AD.

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for removing the life-limited parts disposal requirement from the AD and minor editorial corrections. We have determined that this removal of the disposal requirement and the minor corrections:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Costs of Compliance

We estimate that this AD affects 21 airplanes in the U.S. registry.

We estimate the cost to incorporate the RAC Beechcraft POH/AFM Supplement into the POH/AFM to be \$80 per airplane (1 work-hour \times \$80 per hour labor cost), for a total of \$1,680 for U.S. operators. However, the POH/AFM supplement is life-limiting the structural airframe. The U.S. Government distributed the airplanes at no cost to the states, retaining title for five years, which have not passed. Therefore, the cost impact would consist of any costs of transfer from the state and the cost of any modifications the operators have incurred. We have no way of determining the cost of transfer for each airplane and the cost of any modifications that operators have made to the airplanes.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354) (RFA) establishes as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.

To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The FAA did make such a determination for this AD. The basis for this determination is now discussed.

Small entities are identified using standards from the Small Business Administration (SBA) for Small Governmental Jurisdictions and Small Organizations. These standards define a Small Governmental Jurisdiction as governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand. These standards also define a Small Organization as any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

There were 21 Beech Barons available for distribution by the Forest Service. Of these 21 airplanes, 1 was destroyed in an accident. Of the remaining 20 airplanes, 4 were distributed to U.S. government agencies; 8 were distributed to states or state agencies; 6 were distributed to local governments; 1 was distributed to a non-profit agency; and 1 is unaccounted for. Of these agencies, one local government and one non-profit agency would qualify as small entities. Therefore, this final AD will not adversely affect a large number of small entities.

It should be noted that the agencies receiving these airplanes do not receive title to the airplanes for a five-year period. None of these agencies have had any of these airplanes for a five-year period. Until the agencies receive title to these airplanes, the airplanes remain the property of the United States government.

We received one comment discussing the effect of the proposed AD on small entities. However, as discussed above,

this final AD will not adversely affect a large number of small entities. Therefore, the FAA Administrator certifies that this rule will not impose a significant economic impact on a substantial number of small entities.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD (and other information as included in the Regulatory Evaluation) and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "Docket No. FAA-2005-21175; Directorate Identifier 2005-CE-24-AD" in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by adding a new AD to read as follows:

2007–21–02 Raytheon Aircraft Company:
Amendment 39–15220; Docket No.
FAA–2005–21175; Directorate Identifier
2005–CE–24–AD.

Effective Date

(a) This AD becomes effective on November 15, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Models 58P and 58TC airplanes, with the following serial numbers: TJ–177, TJ–178, TJ–180, TJ–211, TJ–213, TJ–247, TJ–284, TJ–285, TJ–289, TJ–290, TJ–314, TJ–322, TJ–367, TJ–368, TJ–370, TJ–371, TJ–425, TJ–426, TJ–433, TJ–442, and TK–33, that are certificated in any category. These airplanes were used as lead airplanes

by the United States Forest Service for firefighting missions.

Unsafe Condition

(d) This AD is the result of the FAA's analysis and determination that the operational history and usage of the affected airplanes requires a reduction in the structural life limit to 4,500 hours time-in-service (TIS) for the airframe (wing, fuselage, empennage, and associated structure). The actions specified in this AD are intended to prevent structural failure of the airframe (wing, fuselage, empennage, or associated structure) based on the operational history and usage of the affected airplanes. Such failure could lead to loss of control.

Compliance

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Insert the Raytheon Model 58P/58PA and Model 58TC/58TCA POH/AFM Supplement, part number (P/N) 102–590000–67, issued January 2005, into the Limitations Section of pilot's operating handbook (POH)/airplane flight manual (AFM) (P/N 102–590000–41 or 106–590000–5). The POH/AFM Supplement limits the structural fatigue life of the airframe (wing, fuselage, empennage, and associated structure) to 4,500 hours TIS.	Upon the accumulation of 4,500 hours TIS on the airframe (wing, fuselage, empennage, or associated structure) or before further flight after November 15, 2007 (the effective date of this AD), whichever occurs later, unless already done.	Any person holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may modify the POH/AFM as specified in paragraph (e)(1) of this AD. Make an entry into the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).
(2) Do not operate any Models 58P and 58TC airplanes (with any serial number noted in paragraph (c) of this AD) upon the accumulation of 4,500 hours TIS on the airframe (wing, fuselage, empennage, or associated structure) or before further flight, whichever occurs later.	As of November 15, 2007 (the effective date of this AD).	Not Applicable.

Note 1: 14 CFR 43.10 requires anyone who removes a life-limited part from an airplane to ensure that the part is controlled using one of the methods in paragraph (c) of the regulation. This includes a recordkeeping system, tag or record attached to part, non-permanent marking, permanent marking, segregation, mutilation, or other methods. This AD establishes the structural life limit of the affected airplanes. Anyone removing the life-limited airframe (wing, fuselage, empennage, and associated structure) from one of the affected airplanes is obligated by 14 CFR 43.10 to control the part once it is removed.

Note 2: Although aircraft used in public operations are generally exempt from compliance with the Federal Aviation Regulations, the safety implications of the structural fatigue life (4,500 hours TIS) of the airframe are serious. Therefore, we strongly recommend operators of public-use-only aircraft comply with the structural fatigue life (4,500 hours TIS) of the airframe.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Steve

Potter, Aerospace Engineer, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4124; fax: (316) 946–4107. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(g) You may obtain the service information referenced in this AD from Hawker Beechcraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at <http://dms.dot.gov>. The docket number is FAA–2005–21175; Directorate Identifier 2005–CE–24–AD.

Issued in Kansas City, Missouri, on October 3, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–19888 Filed 10–10–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2005–23500; Directorate Identifier 2005–NE–46–AD; Amendment 39–15223; AD 2007–21–05]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines (IAE) V2500 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for International Aero Engines (IAE) V2500 series turbofan engines. This AD requires repetitive monitoring of N2 vibration on all IAE V2500 series engines to identify engines that might have a cracked high pressure turbine (HPT) stage 2 air seal. This AD results from a report that HPT stage 2 air seals

have developed cracks. We are issuing this AD to prevent uncontained failure of the HPT stage 2 air seal.

DATES: This AD becomes effective November 15, 2007. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of November 15, 2007.

ADDRESSES: You can get the service information identified in this AD from International Aero Engines AG, 400 Main Street, East Hartford, CT 06108; telephone: (860) 565-5515; fax: (860) 565-5510.

The Docket Operations office is located at U.S. Department of Transportation, Docket Operations, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

FOR FURTHER INFORMATION CONTACT: James Rosa, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238-7152; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to IAE V2500 series turbofan engines. We published the proposed AD in the **Federal Register** on June 2, 2006 (71 FR 31978). That action proposed to require repetitive monitoring of N2 vibration on all IAE V2500 series engines to identify engines that might have a cracked HPT stage 2 air seal and to replace the seal as required.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Comments

Parts To Be Monitored and Replaced

The Modification and Replacement Parts Association states that the proposed AD does not list the part number(s) of seals requiring monitoring and replacement. We agree. To date, the

following part numbers have failed: 2A3179, 2A3185, and 2A3425.

However, all old design HPT stage 2 seals are subject to failure and should be vibration monitored and removed as required. We included a complete list of HPT stage 2 air seal part numbers in paragraph (c) of this AD.

Trend Slope

The Air Transport Association and Delta Airlines state that we should better define the methodology for monitoring and determining trend slope. We disagree. Although these requirements are complex, they can be completed by trained personnel. We did not change the AD.

Tracking Compliance

Delta Airlines states that we should provide guidance for tracking compliance with this AD, as current instructions are inadequate. We disagree. Operators should establish a system for showing compliance to this AD if they do not already have such a system. We did not change the AD.

Terminating Action

Delta Airlines also states that we should include terminating action for the AD so they can estimate costs. We disagree. Terminating action is not currently available for the model V2500-A1 engine. Further, we discuss costs in the Costs of Compliance section of the AD. We did not change the AD.

Vibration Trend Monitoring

Japan Airlines International states that vibration trend monitoring is not appropriate for an AD. The airline states that, because of the complex and subjective nature of vibration trend monitoring, accurate measurements are not possible. Therefore, trend monitoring is appropriate as a supplemental, nonmandatory activity only. We disagree. Vibration trend monitoring is successful in detecting cracked HPT seals. Although results are somewhat subjective, the system is the most practical way to prevent an unsafe condition due to cracked HPT seals. We did not change the AD.

Japan Airlines International also states that industry needs a ground system to monitor vibration trends. We agree that a system to hold collected data and calculate trends as they occur is needed, however, defining requirements for that system is beyond the scope of this AD.

United Airlines states that we should permit vibration data averaging and smoothing. They state that not allowing averaging will increase the chances of false alerts. We disagree. Experience

indicates that averaging or smoothing might mask evidence of a badly cracked seal before a piece becomes liberated. We did not change the AD.

Clarify Service Bulletin Instructions

Japan Airlines International states that we should clarify International Aero Engines service bulletin (SB) instructions regarding how gaps allowed by the Mandatory Minimum Equipment List (MMEL) effect data. MMEL allows a 10-day down time for the vibration trend monitoring system. We disagree. IAE service instructions allow a down time of 50 cycles, approximately 10 days for most operators. If operators require more time, they may request an AMOC. We did not change the AD.

Manufacturer's Suggestions

IAE suggests the following:

- Include the latest SB revisions in the final rule. We agree and incorporated by reference the accomplishment instructions of the latest IAE SB revisions in the final rule. Operators who have followed earlier SBs will receive credit for doing so.
- Correct the Discussion section regarding an incorrectly identified model from V2528-D to V2528-D5. We agree that the Discussion section should have specified the correct models, however, that discussion remained accurate for the engines subject to the AD. We did not change the AD because the Preamble of the NPRM is not included in the final rule.
- Include the Airbus A321 in the Applicability section. We agree. We have added the airplane model to the Applicability section.
- Reword the Compliance section to maintain consistent safety requirements. We agree, and included paragraphs (h)(4) and (j)(4) in the AD. These paragraphs now indicate that if a through crack is found in the front fillet radius of the HPT stage 2 air seal, the following must also be removed: For model V2500-A1/A5/D5 engines, remove the HPT stage 1 disk and HPT rear air seals; and for model V2500-A1 engines, also remove the HPT stage 2 disk.
- List only SB V2500-ENG-72-502, Revision 1, dated March 15, 2006, under Removal of HPT Stage 2 Air Seals at Opportunity. We agree, and removed IAE SB V2500-ENG-72-0500 and IAE SB V2500-ENG-72-0501, which refer to vibration monitoring, from this section.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting

the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect 1,022 engines installed on airplanes of U.S. registry. We also estimate that it would take about 2 work-hours per engine to perform the actions, and that the average labor rate is \$80 per work-hour. Required parts would cost about \$97,040 per engine. Based on these figures, we estimate the total cost of the AD to U.S. operators to be \$99,338,400.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of

this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2007-21-05 International Aero Engines:
Amendment 39-15223. Docket No. FAA-2005-23500; Directorate Identifier 2005-NE-46-AD.

Effective Date

- (a) This airworthiness directive (AD) becomes effective November 15, 2007.

Affected ADs

- (b) None.

Applicability

(c) This AD applies to International Aero Engines (IAE) model V2500-A1, V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, V2533-A5, V2525-D5, and V2528-D5 turbofan engines with high pressure turbine (HPT) stage 2 air seals, part numbers (P/Ns) 2A0487, 2A1159, 2A1160, 2A3108, 2A3179, 2A3185, 2A3425, and 2A3596, installed. These engines are installed on, but not limited to, Airbus A319, A320, A321, and Boeing MD-90 airplanes.

Unsafe Condition

(d) This AD results from a report that HPT stage 2 air seals have developed cracks. We are issuing this AD to prevent uncontained failure of the HPT stage 2 air seal.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Monitoring N2 Vibration on All IAE Model V2500-A1 and V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, and V2533-A5 Engines

(f) For IAE model V2530-A5 and V2533-A5 engines operated at 30,000 or 33,000 pounds of thrust, or for model V2522-A5, V2524-A5, V2527-A5, V2527E-A5, and V2527M-A5 engines that have ever operated in the 30,000 or 33,000 pound thrust range, begin monitoring for N2 vibration trend if the HPT stage 2 air seal reaches 4,000 cycles-since-new (CSN) or more.

(g) For IAE model V2500-A1 and V2522-A5, V2524-A5, V2527-A5, V2527E-A5, and V2527M-A5 engines operated below 30,000 pounds of thrust, begin monitoring for N2 vibration trend if the HPT stage 2 air seal reaches 6,000 CSN.

(h) Monitor N2 vibration trend of each engine for every 100 to 150 cycles of engine operation as follows:

(1) Use the Accomplishment Instructions of IAE Service Bulletin (SB) V2500-ENG-72-0500, Revision 1, dated July 14, 2006, to gather and monitor steady-state cruise N2 vibration data.

(2) For a trend that has a slope of 0.001 units per cycle or greater and less than 0.003 units per cycle, remove the seal 250 cycles from the point at which the slope begins to increase and do not reinstall it in any V2500 engine.

(3) For a trend that has a slope of 0.003 units per cycle or greater, remove the seal in 10 cycles and do not reinstall it in any V2500 engine.

(4) If a through crack is found in the front fillet radius of the HPT stage 2 air seal, remove the following:

(i) For the A1 model engine, remove the HPT stage 1 and 2 disks and HPT stage 1 rear air seals (64 per engine) and do not reinstall them in any V2500 engine.

(ii) For all A5 engine models, remove the HPT stage 1 disk and the HPT stage 1 rear air seals (64 per engine) and do not reinstall them in any V2500 engine.

(5) Use Section 3, Accomplishment Instructions, of IAE SB V2500-ENG-72-0502, Revision 1, dated March 15, 2006, for removal procedures.

Monitoring N2 Vibration on All IAE Model V2525-D5 and V2528-D5 Engines

(i) For all IAE model V2500-D5 series engines, begin monitoring for N2 vibration trend if the HPT stage 2 air seal reaches 6,000 CSN or more.

(j) Monitor N2 vibration trend of each engine for every 100 to 150 cycles of engine operation as follows:

(1) Use Section 3, Accomplishment Instructions, of IAE SB V2500-ENG-72-0501, Revision 1, dated July 14, 2006, to gather and monitor the steady-state cruise N2 vibration data.

(2) If an increasing trend that has a slope of 0.0007 units per cycle or greater, and less than 0.002 units per cycle is observed, remove the HPT stage 2 air seal within 250 cycles from the point at which the slope begins to increase and do not reinstall it in any V2500 engine.

(3) If an increasing trend that has a slope of 0.002 units per cycle or greater is observed, remove the HPT stage 2 air seal within 10 cycles and do not reinstall it in any V2500 engine.

(4) If a through crack is found in the front fillet radius of the HPT stage 2 air seal of D5 model engines, remove the HPT stage 1 disk and HPT rear air seals (64 per engine) and do not reinstall them in any V2500 engine.

(5) Use Section 3, Accomplishment Instructions, of IAE SB V2500-ENG-72-0502, dated March 15, 2006, for removal procedures.

Removal of HPT Stage 2 Air Seals at Opportunity

(k) For all engines, when the HPT stage 2 air seal reaches 2,000 CSN, remove the HPT stage 2 air seal at the next separation of the HPT stage 1 and 2 rotors and do not reinstall it in any V2500 engine.

Definition

(l) For the purposes of this AD, "At Opportunity" is defined as when the engine is disassembled, the HPT stage 2 seal is exposed, and the HPT stage 1 and 2 rotors are separated after 2,000 CSN.

(m) The Accomplishment Instructions of IAE SB V2500-ENG-72-0502, Revision 1, dated March 15, 2006, provide information on removing the HPT stage 2 air seal.

Alternative Methods of Compliance

(n) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(o) Contact James Rosa, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: james.rosa@faa.gov, telephone (781) 238-7152; fax (781) 238-7199, for more information about this AD.

Material Incorporated by Reference

(p) You must use the Accomplishment Instructions (Section 3.) of International Aero Engines (IAE) Service Bulletin (SB) V2500-ENG-72-0500, Revision 1, dated July 14, 2006; IAE SB V2500-ENG-72-0501, Revision 1, dated July 14, 2006; or IAE SB V2500-ENG-72-0502, Revision 1, dated March 15, 2006, to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of these service bulletins in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06108; telephone: (860) 565-5515; fax: (860) 565-5510 for a copy of this service information. You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Burlington, Massachusetts, on October 2, 2007.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7-19924 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF STATE**22 CFR Part 171**

[Public Notice 5955]

RIN 1400-AC25

Search Fees in Freedom of Information Act Cases

AGENCY: State Department.

ACTION: Final rule.

SUMMARY: This rule makes final the Department's proposed rule published on June 20, 2007. The rule revises the regulations on fees to be charged for searching for information responsive to requests made under the Freedom of Information Act. The existing regulations proved to be unworkable, particularly in terms of ascertaining the costs of electronic searches.

DATES: *Effective Date:* This rule is effective October 11, 2007.

ADDRESSES: Persons having questions with respect to these regulations should address such questions to: Margaret P. Grafeld, Director, Office of Information Programs and Services, (202) 261-8300, U.S. Department of State, SA-2, 515 22nd St., NW., Washington, DC 20522-6001; FAX: 202-261-8590. E-mail GrafeldMP@state.gov. Persons with access to the Internet may view this rule online at <http://www.regulations.gov/index.cfm>.

FOR FURTHER INFORMATION CONTACT: Margaret P. Grafeld, Director, Office of Information Programs and Services, (202) 261-8300, U.S. Department of State, SA-2, 515 22nd St., NW., Washington, DC 20522-6001; FAX: 202-261-8590.

SUPPLEMENTARY INFORMATION: The Department's proposed rule was published as Public Notice 5835 at 72 FR 33932-33933 on June 20, 2007 with a 90-day comment period. The Department received one comment discussed under Analysis of Comments. Although the current version of the search fee provision was promulgated in 2004, based largely on previous long-standing regulations, experience has shown that the previous, as well as the current, regulation could not, in fact, be given full effect because the cost of computer searches could not be fully ascertained and because of the difficulties in determining the salary costs attributable to individuals doing manual searches, particularly at overseas posts where Foreign Service Nationals have a different and more frequently changing pay scale. By using average salary costs of the categories of individuals involved in a search (i.e.,

clerical, professional, executive) instead of the actual salary of each such individual, the proposed revision will permit computer calculation of the fees that should be as accurate as the current method and should not result in any substantial increase or diminution of search fees charged or collected.

Analysis of Comments: The proposed rule was published for comments on June 20, 2007. The comment period closed September 18, 2007. The one public comment received by the Department recommends that in calculating the salary rates for those performing the searches, all employee benefits they receive be included. To the extent it is possible to quantify such benefits, the Department plans to include them in the calculation of the salary rates of those performing the searches.

Regulatory Findings

Administrative Procedure Act. The Department is publishing this regulation as a final rule after it was published as a proposed rule June 20, 2007.

Regulatory Flexibility Act. The Department, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and, by approving it, certifies that this rule will not have significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995. This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of 100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996. This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of 100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

Executive Order 12866. The Department does not consider this rule to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. In addition, the Department is exempt from Executive Order 12866 except to the extent that it is promulgating regulations in conjunction with a

domestic agency that are significant regulatory actions. The Department has nevertheless reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

Executive Order 13132. This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act. This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 171

Administrative practice and procedure, Fees for searches in Freedom of Information Act cases.

■ For the reasons set forth in the preamble, 22 CFR part 171 is amended as follows:

PART 171—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 22 U.S.C. 552, 552a; Ethics in Government Act of 1978, Pub. L. 95–521, 92 Stat. 1824, as amended; E.O. 12958, as amended, 60 FR 19825, 3 CFR, 1995 Comp., p. 333; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

■ 2. Section 171.14 is amended by adding a new sentence at the end of paragraph (a) introductory text to read as follows:

§ 171.14 Fees to be charged—general.

* * * * *

(a) * * * For both manual and computer searches, the Department shall charge the estimated direct cost of each search based on the average current salary rates of the categories of personnel doing the searches. Further information on search fees is available by clicking on “FOIA” at the Department’s Web site at <http://www.state.gov> or directly at the FOIA home page at <http://foia.state.gov>.

* * * * *

Dated: October 2, 2007.

Llewellyn Hedgbeth,

Deputy Assistant Secretary, Department of State.

[FR Doc. E7–20082 Filed 10–10–07; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–07–137]

Drawbridge Operation Regulations; Jamaica Bay, New York, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Beach Channel Railroad Bridge across Jamaica Bay, mile 6.7, at New York, New York. Under this temporary deviation the Beach Channel Railroad Bridge may remain in the closed position on Saturday and Sunday from 6 a.m. to 9 p.m., on October 13, 14, 20, and 21, 2007. This deviation is necessary to facilitate bridge track repairs.

DATES: This deviation is effective from October 13, 2007 through October 21, 2007.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Beach Channel Railroad Bridge, across Jamaica Bay, mile 6.7, at New York, New York, has a vertical clearance in the closed position of 26 feet at mean high water and 31 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.5.

The owner of the bridge, New York City Transit Authority, requested a temporary deviation to complete repairs to the bridge rails.

Under this temporary deviation, in effect for two weekends, the Beach

Channel Railroad Bridge need not open for the passage of vessel traffic on Saturday and Sunday between 6 a.m. and 9 p.m. on October 13, 14, 20, and 21, 2007.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Should the bridge maintenance authorized by this temporary deviation be completed before the end of the effective period published in this notice, the Coast Guard will rescind the remainder of this temporary deviation, and the bridge shall be returned to its normal operation schedule. Notice of the above action shall be provided to the public in the Local Notice to Mariners and the **Federal Register**, where practicable.

Dated: September 28, 2007.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E7–20009 Filed 10–10–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. COTP San Francisco Bay 07–042]

RIN 1625–AA00

Safety Zone; Monte Foundation Fireworks Extravaganza, Aptos, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Monte Foundation Fireworks Extravaganza to be held at Seacliff State Beach in Aptos, California, on October 13, 2007. The fireworks display will be launched from the Seacliff State Beach Pier. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with the pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or his designated representative.

DATES: This rule is effective from 8:15 p.m. to 9:45 p.m. on October 13, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of the docket COTP San

Francisco Bay 07-042 and are available for inspection or copying at Coast Guard Sector San Francisco, 1 Yerba Buena Island, San Francisco, California 94130, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Ensign Sheral Richardson, U.S. Coast Guard Sector San Francisco, at (415) 399-7436.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Logistical details surrounding the event were not finalized and presented to the Coast Guard in time to draft and publish an NPRM. As such, the event would occur before the rulemaking process was complete. Because of the dangers posed by the pyrotechnics used in this fireworks display, safety zones are necessary to provide for the safety of event participants, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

For the same reasons listed in the previous paragraph, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this rule would expose mariners to the dangers posed by the pyrotechnics used in the fireworks display.

Background and Purpose

The Rudolph F. Monte Foundation is sponsoring a brief fireworks display on October 13, 2007, to celebrate the Monte Foundation Fireworks Extravaganza. The fireworks display is meant for entertainment purposes. The safety zone is being issued to establish a temporary regulated area at Seacliff State Beach around the fireworks launch site during the fireworks display. The safety zone around the launch site is necessary to protect spectators, vessels, and other property from the hazards associated with the pyrotechnics.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone on specified waters at Seacliff State Beach. The safety zone will apply to the navigable waters around and under the Seacliff State Beach Pier within a radius of 2,000 feet around the fireworks launch site.

The safety zone will be for the Monte Foundation Fireworks Extravaganza

which includes all navigable waters, from the surface to the seafloor, encompassed by connecting the following points to form a safety zone: Beginning at latitude 36°58'09" N and longitude 121°54'24" W; latitude 36°57'44" N and longitude 121°54'44" W; latitude 36°58'00" N and longitude 121°55'22" W; latitude 36°58'27" N and longitude 121°55'07" W; and then back to the beginning point. These coordinates are based upon datum: NAD 83.

The effect of the temporary safety zone will be to restrict general navigation in the vicinity of the fireworks launch site. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the safety zone. This safety zone is needed to keep spectators and vessels a safe distance away from the fireworks launch site to ensure the safety of participants, spectators, and transiting vessels.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are pleasure craft engaged in recreational activities.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on a substantial number of entities, some of which may be small entities. This rule may affect owners and operators of pleasure craft engaged in recreational activities and

sightseeing. This rule will not have a significant economic impact on a substantial number of small entities for several reasons: (i) Vessel traffic can pass safely around the area, (ii) vessels engaged in recreational activities and sightseeing have ample space outside of the effected portion of Seacliff State Beach to engage in these activities, (iii) this rule will encompass only a small portion of the waterway for a limited period of time, and (iv) the maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions, options for compliance, or assistance in understanding this rule, please contact Ensign Sheral Richardson, U.S. Coast Guard Sector San Francisco, at (415) 399-7436.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires

Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. Paragraph (34)(g) is applicable because this rule establishes safety zones. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165–T11–247 to read as follows: § 165–T11–247 *Safety*

Zone; Monte Foundation Fireworks Extravaganza, Aptos, CA

(a) *Location.* This temporary safety zone is established for the waters of Seacliff State Beach surrounding the Seacliff State Beach Pier used as a launch platform for a fireworks display.

(1) The safety zone includes all navigable waters, from the surface to the seafloor, encompassed by connecting the following points to form a safety zone: Beginning at latitude 36°58'09" N and longitude 121°54'24" W; latitude 36°57'44" N and longitude 121°54'44" W; latitude 36°58'00" N and longitude 121°55'22" W; latitude 36°58'27" N and longitude 121°55'07" W; and then back to the beginning point. These coordinates are based upon datum: NAD 83.

(b) *Enforcement Period.* This section will be enforced from 8:15 p.m. to 9:45 p.m. on October 13, 2007. If the events conclude prior to their scheduled termination times, the Coast Guard will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* (1) In accordance with the general regulations in Sec. 165.23 of this part, entry into, transit through, or anchoring within this safety zone by all vessels and persons is prohibited, unless specifically authorized by the Captain of the Port San Francisco, or his designated representative.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, San Francisco, or the designated representative.

(3) Designated representative means any commissioned, warrant, and petty officer of the Coast Guard onboard a Coast Guard, Coast Guard Auxiliary, local, state, or federal law enforcement vessel who is authorized to act on behalf of the Captain of the Port, San Francisco.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Person and vessels may request permission to enter the safety zone on VHF–16 or via telephone at (415) 399–3547.

(5) The U.S. Coast Guard may be assisted in the patrol and enforcement of this safety zone by local law enforcement as necessary.

Dated: October 1, 2007.

W.J. Uberti,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. E7–19953 Filed 10–10–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165**

[CGD09–07–122]

RIN 1625–AA00

Safety Zone; Blue Island Regatta, Calumet Sag Channel, Blue Island, IL**AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Calumet Sag Channel and Little Calumet River, Blue Island, IL. This zone is intended to restrict vessels from a portion of the Calumet Sag Channel during the Blue Island Regatta November 3 and November 4, 2007. This temporary safety zone will establish restrictions upon, and control the movement of, vessels in a specified area immediately prior to, during, and immediately after the regatta.

DATES: This regulation is effective from 3 p.m. on November 3, 2007 to 5 p.m. on November 4, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD09–07–122 and are available for inspection or copying at U.S. Coast Guard Sector Lake Michigan, 2420 South Lincoln Memorial Drive, Milwaukee, Wisconsin, 53207 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: CWO Brad Hinken, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7154.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property.

Background and Purpose

This temporary zone is necessary to ensure the safety of vessels and participants from the hazards associated with the operation of rowing race boats in a confined waterway. Based on the potential vessel traffic and the presence of small rowing vessels the Captain of the Port Lake Michigan has determined that racing rowing boats in presence of normal vessel traffic poses a significant risk to public safety and property. The likely combination of rowing vessels operating near large towing vessels and recreational vessels operating at high speeds could result in collisions that may cause serious injuries or fatalities. Establishing a safety zone to control vessel movement in the location of the race course will help ensure the safety of persons and property at this event and help minimize the associated risk.

Discussion of Rule

A temporary safety zone is necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the Southland Regatta. This proposed rule will establish restrictions upon and control the movement of vessels through a portion of the Calumet Sag Channel and the Little Calumet River immediately prior to, during, and immediately after the Southland Regatta.

The Captain of the Port will cause notice of enforcement of the safety zone established by this section to be made by all appropriate means to the affected segments of the public. Such means of notification will include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the special local regulations is terminated.

Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

This determination is based on the minimal time that vessels will be restricted from the safety zone and the safety zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zone’s activation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered

whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in a portion of Calumet Sag Channel or Little Calumet River between 3 p.m. to 5 p.m. on November 3, 2007 and 9 a.m. to 5 p.m. on November 4, 2007.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for only two hours on November 3, 2007 and eight hours on November 4, 2007. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Lake Michigan to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate tribal concerns. We have determined that these regulations and fishing rights protection need not be incompatible. We have also determined that this Rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and

Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Nevertheless, Indian Tribes that have questions concerning the provisions of this Rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

Energy Effects

We have analyzed this rule under Executive order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedure; and related management system practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. This

event establishes a safety zone therefore paragraph (34)(g) of the Instruction applies.

A final “Environmental Analysis Check List” and “Categorical Exclusion Determination” are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T09–122 is added as follows:

§ 165.T09–122 Safety zone; Blue Island Regatta, Calumet Sag Channel, Blue Island, IL.

(a) *Location.* The following area is a temporary safety zone: all waters of the Calumet Sag Channel from the South Halstead Street Bridge at 41°39′27″ N, 087°38′29″ W; to the Crawford Avenue Bridge at 41°39′05″ N, 087°43′08″ W; and the Little Calumet River from the Ashland Avenue Bridge at 41°39′7″ N, 087°39′38″ W; to the junction of the Calumet Sag Channel at 41°39′23″ N, 087°39′ W (NAD 83).

(b) *Enforcement period.* This zone will be enforced from 3 p.m. to 5 p.m. on November 3, 2007 and from 9 a.m. to 5 p.m. on November 4, 2007.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan, or his on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or his on-scene representative.

(3) The “on-scene representative” of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Lake Michigan or his on-scene representative to obtain permission to do so. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or his on-scene representative.

Dated: September 24, 2007.

B.C. Jones,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. E7-19952 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD14-07-001]

RIN 1625-AA87

Security Zones; Oahu, Maui, Hawaii, and Kauai, HI

AGENCY: Coast Guard, DHS.

ACTION: Final rule, correction.

SUMMARY: The Coast Guard published a final rule in the **Federal Register** on August 9, 2007, that revised security regulations in Oahu, Maui, Hawaii, and Kauai, HI (72 FR 44775). While the notice of proposed rulemaking preceding that final rule stated that the Kahe Point, Oahu security zone would be enforced only upon the occurrence of certain events, we did not reflect that provision in the regulatory text. This document corrects that error.

DATES: This correction is effective October 11, 2007.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Jasmin Parker, U.S. Coast Guard Sector Honolulu at (808) 842-2600.

SUPPLEMENTARY INFORMATION: On June 19, 2007, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Security Zones; Oahu, Maui, Hawaii, and Kauai, HI" in the **Federal Register** (72 FR 33711). That document's preamble specified that the proposed *Kahe Point, Oahu* security zone would be enforced only upon the occurrence of certain events (72 FR 33712). The proposed regulatory text, however, inadvertently failed to include that zone in § 165.1407(d)(1), which is

the list specifying enforcement only under certain conditions (72 FR 33714). The regulatory text in the ensuing final rule (72 FR 44775), which was copied from the published NPRM, perpetuated the error. This document corrects the final regulation by adding the *Kahe Point, Oahu* security zone to the list in § 165.1407(d)(1) as originally intended.

List of Subjects 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

■ Accordingly, 33 CFR part 165 is corrected by making the following correcting amendment:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.1407, revise the introductory text of paragraph (d)(1) to read as follows:

§ 165.1407 Security Zones; Oahu, HI.

* * * * *

(d) *Notice of enforcement or suspension of enforcement of security zones.* (1) The security zones described in paragraphs (a)(3) (Kalihi Channel and Keehi Lagoon, Oahu), (a)(4)(i) (Honolulu International Airport, North Section), (a)(4)(ii) (Honolulu International Airport, South Section), (a)(6) (Barbers Point Harbor, Oahu), and (a)(7) (Kahe Point, Oahu) of this section, will be enforced only upon the occurrence of one of the following events—

* * * * *

Dated: September 21, 2007.

Sally Brice-O'Hara,

Rear Admiral, U.S. Coast Guard Commander, Fourteenth Coast Guard District.

[FR Doc. E7-20008 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. PTO-C-2006-0057]

RIN 0651-AC09

April 2007 Revision of Patent Cooperation Treaty Procedures

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: The United States Patent and Trademark Office (Office) published a final rule in the **Federal Register** of September 10, 2007, revising the rules of practice in title 37 of the Code of Federal Regulations (CFR) to conform them to certain amendments made to the Regulations under the Patent Cooperation Treaty (PCT) that took effect on April 1, 2007. This document corrects errors in that final rule.

DATES: *Effective Date:* The changes to 37 CFR 1.17(t) are effective November 9, 2007.

FOR FURTHER INFORMATION CONTACT: Richard R. Cole, Senior Legal Examiner, Office of PCT Legal Administration (OPCTLA) directly by telephone at (571) 272-3281, or by facsimile at (571) 273-0459.

SUPPLEMENTARY INFORMATION: The Office published a final rule in the **Federal Register** of September 10, 2007 (72 FR 51559), entitled "April 2007 Revision of Patent Cooperation Treaty Procedures" (final rule). This document corrects errors concerning the effective date and applicability date of 37 CFR 1.497 and the fee amount specified in 37 CFR 1.17(t).

The final rule should have indicated that the changes to 37 CFR 1.497 are effective on September 10, 2007, and applicable as of April 1, 2007, for international applications filed on or after April 1, 2007.

Section 1.17(t) should contain a reference to 35 U.S.C. 365(c) and specify a fee of \$1,410.00 rather than \$1,370.00. *See Revision of Patent Fees for Fiscal Year 2007*, 72 FR 46988, 46902 (Aug. 22, 2007), 1321 *Off. Gaz. Pat. Office* 154, 156 (Aug. 28, 2007).

In rule FR Doc. E7-17711, September 10, 2007 (72 FR 51559), make the following corrections:

1. On page 51559, in the third column, and page 51560, in the first column, the sentence "The changes to 37 CFR 1.57, 1.437, and 1.465 are effective on September 10, 2007" should read "The changes to 37 CFR 1.57,

1.437, 1.465, and 1.497 are effective on September 10, 2007”.

2. On page 51560, in the first column, the sentence “The changes to 37 CFR 1.57, 1.437, and 1.465 are applicable as of April 1, 2007, for international applications filed on or after that date” should read “The changes to 37 CFR 1.57, 1.437, 1.465 and 1.497 are applicable as of April 1, 2007, for international applications filed on or after that date”.

§ 1.17 [Corrected]

■ 3. On page 51563, in the second column, in § 1.17, paragraph (t) is corrected to read as follows:

§ 1.17 Patent application and reexamination processing fees.

* * * * *

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c) (§§ 1.55 and 1.78) or for filing a request for the restoration of the right of priority under § 1.452—1,410.00.

Dated: October 3, 2007.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E7-19960 Filed 10-10-07; 8:45 am]

BILLING CODE 3510-16-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2007-0656; FRL-8479-9]

Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule and NSPS delegation.

SUMMARY: EPA is taking direct final action approving a State Implementation Plan (SIP) revisions submitted by the State of South Dakota on August 8, 2006. The August 8, 2006 submittal revises the Administrative Rules of South Dakota, Air Pollution Control Program, by modifying the chapters pertaining to definitions, ambient air quality, air quality episodes, operating permits for minor sources, performance testing, control of visible emissions, and continuous emission monitoring systems. The intended effect of this action is to make these revisions federally enforceable. We are also

announcing that on July 19, 2007, we updated the delegation of authority for the implementation and enforcement of the New Source Performance Standards to the State of South Dakota. These actions are being taken under sections 110 and 111 of the Clean Air Act.

DATES: This rule is effective on December 10, 2007 without further notice, unless EPA receives adverse comment by November 13, 2007. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R08-OAR-2007-0656, by one of the following methods:

- <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *E-mail:* dygowski.laurel@epa.gov and ostrand.laurie@epa.gov.
- *Fax:* (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129.
- *Hand Delivery:* Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-R08-OAR-2007-0656. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through <http://www.regulations.gov> your e-mail

address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Laurel Dygowski, 8P-AR, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, (303) 312-6144, dygowski.laurel@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. General Information
- II. Summary of SIP Revision
- III. Revisions to Delegated Program
- IV. Final Action
- V. Statutory and Executive Order Reviews

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or *South Dakota* mean the State of South Dakota, unless the context indicates otherwise.

I. General Information

A. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through Regional Materials in EDOCKET, regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. Summary of SIP Revision

On August 8, 2006, the State of South Dakota submitted revisions to its State Implementation Plan (SIP). The specific revisions to the SIP contained in the August 8, 2006 submittal are explained below. The August 8, 2006 submittal also contained revisions to other sections of the Administrative Rules of South Dakota (ARSD) that are not part of the SIP. This rule does not address revisions to ARSD 74:36:05, 74:36:07, 74:36:08, or 74:36:16 that were part of the August 8, 2006 submittal.

A. ARSD 74:36:01—Definitions

The State has revised sections 74:36:01:01(8)(e), (29), and (30), 74:36:01:05(1), and 74:36:01:20(5), (7), and (8) to update the incorporation of the Code of Federal Regulations (CFR) to the July 1, 2005 CFR and has revised section 74:36:01:01(77) by adding additional compounds that are included in the definition of “VOC”.

B. ARSD 74:36:02—Ambient Air Quality

The State has revised sections 74:36:02:02 through 74:36:02:05 to update the incorporation of the CFR to the July 1, 2005 CFR and has made minor typographical corrections.

C. ARSD 74:36:03—Air Quality Episodes

The State has revised chapter 74:36:03 to update the incorporation of the CFR to the July 1, 2005 CFR and has made minor typographical corrections.

D. ARSD 74:36:04—Operating Permits for Minor Sources

The State has revised section 74:36:04:04 to update the incorporation of the CFR to the July 1, 2005 CFR and has made minor typographical corrections.

E. ARSD 74:36:11—Performance Testing

The State has revised section 74:36:11:01 to update the incorporation of the CFR to the July 1, 2005 CFR.

F. ARSD 74:36:12—Control of Visible Emissions

The State has revised sections 74:36:12:01 and 74:36:12:03 to update the incorporation of the CFR to the July 1, 2005 CFR.

G. ARSD 74:36:13—Continuous Emission Monitoring Systems

The State has revised sections 74:36:13:02–04, and 74:36:13:06–08 to update the incorporation of the CFR to the July 1, 2005 CFR.

III. Revisions to Delegated Programs

A. ARSD 74:36:07—New Source Performance Standards (NSPS)

The August 8, 2006 submittal by the State updated the effective date of the incorporated by reference NSPS to July 1, 2005. EPA is announcing that on July 19, 2007, we updated the delegation of authority for the implementation and enforcement of the NSPS to the State. The July 19, 2007 letter of delegation to the State follows:

Ref: 8P–AR

Steven M. Pirner, P.E., Secretary, South Dakota Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501–3182

Dear Mr. Pirner:

On August 8, 2006, the State submitted a revision to the Air Pollution Control Program for South Dakota. Specifically, South Dakota Air Pollution Control Program Chapter 74:36:07, New Source Performance Standards, was revised to update the citation for the incorporated Federal New Source Performance Standards (NSPS) in 40 CFR part 60 as those in effect on July 1, 2005.

Subsequent to states adopting NSPS regulations, EPA delegates the authority for the implementation and enforcement of those NSPS, so long as the state's regulations are equivalent to the Federal regulations. EPA reviewed the pertinent statutes and regulations of the State of South Dakota and determined that they provide an adequate and effective procedure for the implementation and enforcement of the NSPS by the State of South Dakota. Therefore, pursuant to Section 111(c) of the Clean Air Act (Act), as amended, and 40 CFR part 60, EPA hereby delegates its authority for the implementation and enforcement of the NSPS to the State of South Dakota as follows:

(A) Responsibility for all sources located, or to be located, in the State of South Dakota subject to the standards of performance for new stationary sources promulgated in 40 CFR part 60. The categories of new stationary sources covered by this delegation are all NSPS subparts in 40 CFR part 60, as in effect on July 1, 2005. *Note this delegation does not include the emission guidelines in subparts Cb, Cc, Cd, Ce, BBBB and DDDD, and HHHH. These subparts require state plans which are approved under a separate process pursuant to Section 111(d) of the Act.*

(B) Not all authorities of NSPS can be delegated to states under Section 111(c) of the Act, as amended. The EPA Administrator retains authority to implement those sections of the NSPS that require: (1) Approving equivalency determinations and alternative test methods, (2) decision making to ensure national consistency, and (3) EPA rulemaking to implement. Enclosed with this letter is a list of examples of sections in 40 CFR part 60 related to the NSPS being delegated in this letter that cannot be delegated to the State of South Dakota.

(C) The Department of Environment and Natural Resources (DENR) and EPA will

continue a system of communication sufficient to guarantee that each office is always fully informed and current regarding compliance status of the subject sources and interpretation of the regulations.

(D) Enforcement of the NSPS in the state will be the primary responsibility of the DENR. If the DENR determines that such enforcement is not feasible and so notifies EPA, or where the DENR acts in a manner inconsistent with the terms of this delegation, EPA may exercise its concurrent enforcement authority pursuant to section 113 of the Act, as amended, with respect to sources within the State of South Dakota subject to NSPS.

(E) The State of South Dakota will at no time grant a variance or waiver from compliance with NSPS regulations. Should DENR grant such a variance or waiver, EPA will consider the source receiving such relief to be in violation of the applicable Federal regulation and initiate enforcement action against the source pursuant to section 113 of the Act. The granting of such relief by the DENR shall also constitute grounds for revocation of delegation by EPA.

(F) If at anytime there is a conflict between a state regulation and a Federal regulation (40 CFR part 60), the Federal regulation must be applied if it is more stringent than that of the state. If the state does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

(G) If the Regional Administrator determines that a state procedure for enforcing or implementing the NSPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the DENR.

(H) Acceptance of this delegation of presently promulgated NSPS does not commit the State of South Dakota to accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the state's request of August 8, 2006.

(I) Upon approval of the Regional Administrator of EPA Region VIII, the

Secretary of DENR may subdelegate his/her authority to implement and enforce the NSPS to local air pollution control authorities in the state when such authorities have demonstrated that they have equivalent or more stringent programs in force.

(J) The State of South Dakota must require reporting of all excess emissions from any NSPS source in accordance with 40 CFR 60.7(c).

(K) Performance tests shall be scheduled and conducted in accordance with the procedures set forth in 40 CFR part 60 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternate test methods as specified in 40 CFR 60.8(b)(2) and (3), the state may approve minor changes in methodology provided these changes are reported to EPA Region VIII. The Administrator also retains the right to change the opacity standard as specified in 40 CFR 60.11(e).

(L) Determinations of applicability, such as those specified in 40 CFR part 60.5 and review of plans, as provided for in 40 CFR part 60.6, shall be consistent with those determinations already made and reviews conducted by the EPA.

(M) Alternatives to continuous monitoring procedures or reporting requirements, as outlined in 40 CFR part 60.13(i), may be approved by the State only if the specific NSPS grants that authority. Otherwise, EPA retains the authority to review and approve such alternatives.

(N) If a source proposes to modify its operation or facility which may cause the source to be subject to NSPS requirements, the state shall notify EPA Region VIII and obtain a determination on the applicability of the NSPS regulations.

(O) Information shall be made available to the public in accordance with 40 CFR 60.9. Any records, reports, or information provided to, or otherwise obtained by, the state in accordance with the provisions of these regulations shall be made available to the designated representatives of EPA upon request.

(P) All reports required pursuant to the delegated NSPS should not be submitted to

the EPA Region VIII office, but rather to the DENR.

(Q) As 40 CFR part 60 is updated, South Dakota should revise its regulations accordingly and in a timely manner and submit to EPA requests for updates to its delegation of authority.

EPA is approving South Dakota's request for NSPS delegation for all areas within the State except for land within formal Indian reservations located within or abutting the State of South Dakota, including the: Cheyenne River Indian Reservation, Crow Creek Indian Reservation, Flandreau Indian Reservation, Lower Brule Indian Reservation, Pine Ridge Indian Reservation, Rosebud Indian Reservation, Standing Rock Indian Reservation, Yankton Indian Reservation, any land held in trust by the United States for an Indian tribe; and any other areas which are "Indian Country" within the meaning of 18 U.S.C. 1151.

Since this delegation is effective immediately, there is no need for the state to notify the EPA of its acceptance. Unless we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of South Dakota will be deemed to accept all the terms of this delegation. EPA will publish an information notice in the **Federal Register** in the near future to inform the public of this delegation, in which this letter will appear in its entirety.

If you have any questions on this matter, please contact me or have your staff contact Callie Videtich, Director of our Air and Radiation Program, at (303) 312-6434, or toll-free at 1-800-227-8917.

Sincerely yours,
Robert E. Roberts,
Regional Administrator.

Enclosure

cc: Brian Gustafson, Administrator, South Dakota Air Quality Program

Enclosure to Letter Delegating NSPS in 40 CFR Part 60, Effective Through January 31, 2006, to the State of South Dakota

EXAMPLES OF AUTHORITIES IN 40 CFR PART 60 WHICH CANNOT BE DELEGATED

40 CFR subparts	Section(s)
A	60.8(b)(2) and (b)(3), and those sections throughout the standards that reference 60.8(b)(2) and (b)(3); 60.11(b) and (e); and 60.13(i).
Da	60.47Da.
Db	60.44b(f), 60.44b(g) and 60.49b(a)(4).
Dc	60.48c(a)(4).
Ec	60.56c(i), 60.8.
J	60.105(a)(13)(iii) and 60.106(i)(12).
Ka	60.114a.
Kb	60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).
O	60.153(e).
DD	60.302(d)(3).
GG	60.332(a)(4) and 60.335(b)(10)(ii).
VV	60.482-1(c)(2) and 60.484.
WW	60.493(b)(2)(i)(A) and 60.496(a)(1).
XX	60.502(e)(6).
AAA	60.531, 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e), and 60.539.
BBB	60.543(c)(2)(ii)(B).
DDD	60.562-2(c).
GGG	60.592(c).

EXAMPLES OF AUTHORITIES IN 40 CFR PART 60 WHICH CANNOT BE DELEGATED—Continued

40 CFR subparts	Section(s)
III	60.613(e).
JJJ	60.623.
KKK	60.634.
NNN	60.663(f).
QQQ	60.694.
RRR	60.703(e).
SSS	60.711(a)(16), 60.713(b)(1)(i) and (ii), 60.713(b)(5)(i), 60.713(d), 60.715(a) and 60.716.
TTT	60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e) and 60.725(b).
VVV	60.743(a)(3)(v)(A) and (B), 60.743(e), 60.745(a) and 60.746.
WWW	60.754(a)(5).
CCCC	60.2030(c)(1) through (7).

IV. Final Action

EPA is approving revisions to the South Dakota SIP submitted by the State on August 8, 2006. The revisions we are approving are revisions to ARSD 74:36:01, 74:36:02, 74:36:03, 74:36:04, 74:36:11, 74:36:12, and 74:36:13. We are also announcing that on July 19, 2007, we updated the delegation of authority for the implementation and enforcement of the NSPS to the State of South Dakota.

Section 110(l) of the Clean Air Act states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of the NAAQS or any other applicable requirements of the Act. The South Dakota SIP revisions that are the subject of this document do not interfere with the maintenance of the NAAQS or any other applicable requirement of the Act because of the following: (1) The revisions to the SIP meet Federal requirements and allow the State to include the most recent version of federal regulations; and (2) the NSPS delegation meets the requirements of section 111(c) of the CAA and 40 CFR part 60. Therefore, section 110(l) requirements are satisfied.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective December 10, 2007 without further notice unless the Agency receives adverse comments by November 13, 2007. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a

subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the

Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 10, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial

review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 14, 2007.

Kerrigan G. Clough,

Acting Regional Administrator, Region 8.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart QQ—South Dakota

■ 2. In § 52.2170, the table in paragraph (c) is amended by revising the entries for chapters 74:36:01, 73:36:02, 74:36:03, 74:36:04, 74:36:11, 74:36:12, and 74:36:13 of the Administrative Rules of South Dakota to read as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) EPA approved regulations.

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
74:36:01 Definitions				
74:36:01:01	Definitions 74:36:01:01(8)(e), (29), (30), (77)	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:01:05	Applicable Requirements of the Clean Air Act Defined.	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:01:20	Physical change or change in the method of operation.	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:02 Ambient Air Quality				
74:36:02:02	Ambient air quality standards	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:02:03	Methods of sampling and analysis	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:02:04	Air quality monitoring network	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:02:05	Ambient air monitoring requirements	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:03 Air Quality Episodes				
74:36:03:01	Air pollution emergency episode	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:03:02	Episode emergency contingency plan	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:04 Operating Permits for Minor Sources				
74:36:04:04	Standard for issuance of operating permit	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:11 Performance Testing				
74:36:11:01	Stack performance testing or other testing methods.	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:12 Control of Visible Emissions				
74:36:12:01	Restrictions on visible emissions	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:12:03	Exceptions granted to alfalfa pelletizers or dehydrators.	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
74:36:13 Continuous Emission Monitoring Systems				
74:36:13:02	Minimum performance specifications for all continuous emission monitoring systems.	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:13:03	Reporting requirements	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:13:04	Notice to department of exceedance	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:13:06	Compliance certification	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:13:07	Credible evidence	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
74:36:13:08	Compliance Assurance Monitoring	6/13/2006	[Insert Federal Register page number where the document begins]; 10/11/2007.	
*	*	*	*	*

¹ In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

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[FR Doc. E7-19831 Filed 10-10-07; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Parts 206 and 207

[Docket ID FEMA-2006-0035]

RIN 1660-AA21

Management Costs

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim final rule.

SUMMARY: This interim final rule implements the management costs provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In so doing, it simplifies and clarifies the method by which FEMA contributes to costs incurred by grantees and subgrantees in implementing the Public Assistance and Hazard Mitigation Grant programs and establishes fixed management cost rates for compensating eligible grantees and subgrantees.

DATES: *Effective Date:* This rule is effective on November 13, 2007.

Comment Date: Comments are due on or before November 13, 2007.

ADDRESSES: You may submit comments, identified by Docket ID FEMA-2006-0035, by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

E-mail: FEMA-RULES@dhs.gov.

Include Docket ID FEMA-2006-0035 in the subject line of the message.

Fax: 866-466-5370.

Mail/Hand Delivery/Courier: Rules Docket Clerk, Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472.

Instructions: All Submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available on the Privacy and Use Notice link on the Administration Navigation Bar of www.regulations.gov.

Docket: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Submitted comments may also be inspected at Office of Chief Counsel, Federal Emergency Management Agency, Room 835, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT:

Jonna M. Long, Office of the Chief Financial Officer, Federal Emergency Management Agency, PP 632, 500 C Street, SW., Washington, DC 20472, 202-646-7057, (facsimile) (202) 646-4268, or (e-mail) jonna.long@dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121-5206, and its implementing regulations, the Federal Emergency Management Agency (FEMA) has the

authority to assist State and local governments in carrying out their responsibilities pursuant to a Presidentially-declared major disaster or emergency. Two of the major programs authorized by the Stafford Act that provide assistance to State and local governments are the Public Assistance (PA) program and the Hazard Mitigation Grant Program (HMGP).

- PA, implemented at part 206 subparts G and H of this chapter, provides funding through grants for emergency protective measures, debris removal, and repair, replacement, or restoration of facilities not met by insurance.

- HMGP, implemented at part 206 subpart N of this chapter, provides funding through grants to undertake sustained mitigation measures that will reduce or permanently eliminate the long-term risk to people and property from natural hazards and their effects. Sustained mitigation measures include acquisition for open space, elevations of flood prone properties, and wind or seismic retrofitting of structures.

Section 324 of the Stafford Act, 42 U.S.C. 5165b, requires FEMA to establish management cost rates for grantees and subgrantees that will be used to determine contributions for management costs and to review those management cost rates not later than 3 years after the date of establishment of the rates and periodically thereafter. "Management costs," for purposes of this regulation, include any indirect costs, any administrative expenses and any other expenses not directly chargeable to a specific project that are reasonably incurred by a grantee or subgrantee in administering and managing a PA program or HMGP grant award.

Funding for management and administrative costs for PA and HMGP grantees and subgrantees is provided currently through one of three mechanisms:

- Associated costs, also known as the Statutory Administrative Costs Allowance or the “sliding scale,” under section 406(f) of the Stafford Act (which is repealed with the establishment of management costs under this rule pursuant to Pub. L. 106–390, sec. 202(b)(2)), which include:

- Extraordinary costs incurred by a grantee for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, such as overtime pay and per diem and travel expense of such employees, but not regular time; and
 - Necessary costs incurred by a subgrantee of requesting, obtaining, and administering Federal disaster assistance;

- State Management Costs, which include regular time labor costs for grantee and temporary employees, contract costs, equipment and office supplies, and communications costs; and

- Grantee indirect costs, which are costs incurred through a project that are not directly related to it, such as utilities, rent, and other overhead.

These three types of costs are currently paid in accordance with § 206.228(a)(2) through 206.228(a)(3)(ii) and 206.228(b) for PA, and § 206.439(b)(1) through (c)(2) for HMGP which are revised by this interim final rule.

The management cost rates set forth in this regulation replace what FEMA previously paid State and local governments for associated costs through the “sliding scale,” State management costs, and grantee indirect costs. Management cost funding will be requested through the PA Project Worksheet (PW) or HMGP project application process. PWs and HMGP project narratives are already submitted by grantees. Any costs that can be directly attributable to a project (at the grantee or subgrantee levels) will continue to be added directly to the PA PW, or HMGP application for the project.

II. Comments, Responses, and Changes to the Proposed Rule

FEMA published a Notice of Proposed Rulemaking (NPRM) (67 FR 56130, August 30, 2002) proposing a methodology for calculating the management cost rates, and guidance for the implementation of section 324 of the Stafford Act. In the NPRM, FEMA

proposed to implement section 324 of the Stafford Act by creating an entirely new grant program for management cost funds, separate from grants awarded for PA and HMGP. FEMA also proposed to provide a set amount based on a percentage of the Federal share of PA and HMGP projections for a declaration. That amount would be available for PA and HMGP grant management and administration, and for grantees and subgrantees, and would allow grantees the flexibility to distribute funds in a manner representative of their priorities for management of the two programs.

During the 30-day comment period, FEMA received comments from 23 States, the U.S. Virgin Islands, 2 associations, and 1 consulting firm. All comments were considered carefully in formulating this interim final rule. A summary of the comments received, as well as FEMA’s responses, is set forth below.

a. General Comments and Changes

1. Adequacy of Rates

FEMA received several comments about the rates that were published in the proposed rule, with many of the commenters claiming the rates were inadequate for effective program management and that FEMA did not accurately reflect costs not paid with Federal funds. As the rates are based on what FEMA historically paid grantees and subgrantees for program management, and historically, grantees and subgrantees were able to administer and manage PA and HMGP at that level of funding, FEMA does not believe the rates will be inadequate for future program management.

FEMA acknowledges that the rates prescribed may not cover all costs incurred by a grantee. The Stafford Act, however, in sections 101(b), 401, and 501(a), establishes the Federal Government’s role in disaster response and recovery as supplementing State efforts in carrying out their responsibilities; management cost funds are contributions, not full funding. FEMA believes that basing the rates on historical Federal obligations is appropriate and, as the rates will be applied to the Federal share of program projections, grantees and subgrantees are reasonably expected to contribute at least a comparable amount of management cost funds to the non-Federal share.

In any case, as several commenters noted, the funds that FEMA will provide for management costs are only meant to contribute to costs that are not directly chargeable at the project level. FEMA will continue to reimburse

administrative or project management costs that can be properly documented and directly charged to the project.

2. Separate Indirect Costs

Several commenters were concerned that the proposed funding for management costs did not comport with OMB Circular No. A–87 and part 13 which allow for the reimbursement of indirect costs and part 13 because in the proposed regulations separate payment for indirect costs would not be allowed. However, section 324 of the Stafford Act defines management costs as including indirect costs; therefore, separate reimbursement for indirect costs is not permitted, because doing so would be duplicative.

3. Increased Costs Due to New Grant Process

Some commenters were concerned that the management cost rates as calculated did not account for the additional costs of application, administrative, monitoring, and reporting requirements of the new grant program outlined in the proposed rule. Since publication of the proposed rule, and in response to comments, FEMA has decided to implement section 324 of the Stafford Act as part of the PA and HMGP programs and not as a separate grant program. The additional requirements of a separate grant program no longer apply.

4. Combined Rate for PA and HMGP

In the proposed rule, FEMA proposed to provide a combined set amount that would be available for both PA and HMGP grant management and administration to allow grantees the flexibility to distribute funds in a manner representative of their priorities for management of the two programs.

Some commenters felt that providing a set amount for a declaration that would be available for PA and HMGP did not provide the flexibility to distribute the funds in a manner representative of the grantee’s priorities for management of the two programs, but rather would be impractical and create additional burden to program managers. Because FEMA has decided to implement section 324 of the Stafford Act as part of PA and HMGP and not as a separate grant program, these concerns are moot. In this interim final rule, FEMA is publishing three management cost rates: One for PA pursuant to major disaster declarations; one for HMGP pursuant to major disaster declarations; and one for PA pursuant to emergency declarations.

5. Combined Rate for Grantee and Subgrantees

FEMA received a few comments critical of its proposal to provide management cost funds to grantees for both grantee and subgrantee use. One State commented that the process could be very divisive unless State plans were in place and accepted prior to declaration. FEMA agrees; accordingly, in the interim final rule, FEMA is requiring States to outline their plans for subgrantee treatment in the State administrative plans required for PA and HMGP.

Moreover, two States commented that management cost funding administration would be simplified if subgrantee costs were based on project award or the total cost of the project. FEMA agrees that these are viable options for States to consider. Nevertheless, for the reasons set forth below, FEMA has not changed the combined rate concept.

FEMA's relationship in PA and HMGP is with the grantee; the grantee has the direct relationship with its subgrantees. FEMA believes that, just as a grantee has the right and the ability to determine cost-sharing requirements for its subgrantees, it has the right and the ability to determine reasonable contributions for management costs that cannot be directly charged to projects.

6. Updated Calculation of Management Cost Rates

In the proposed rule, FEMA published rates for major disaster and emergency declarations based on obligations for major disasters and emergencies declared in the 6-year period 1995 through 2000 and supplemented by data from States that were able to provide information on costs not reimbursed by FEMA. As FEMA's disaster processing systems were not fully automated for that period, data came from various sources.

In August 1998, FEMA implemented its National Emergency Management Information System (NEMIS). NEMIS provides the capability to extract data on sliding scale, State management cost, and indirect costs obligations. In this interim final rule, FEMA is publishing three management cost rates: One for PA pursuant to major disaster declarations; one for HMGP pursuant to major disaster declarations; and one for PA pursuant to emergency declarations. NEMIS data for major disasters and emergencies declared in the six-year period August 1998 through July 2004 were used to update the management cost rate calculations.

b. Section-by-Section Analysis

1. Definitions

FEMA received comments from five States on § 207.2 of the proposed rule. One commenter requested that FEMA add a definition of "close out;" this was done.

In the proposed rule, FEMA defined "lock-in" as the amount of management cost funds available to a grantee for a particular major disaster or emergency, as FEMA determines at 30 days, 6 months, and after the final HMGP lock-in. Two germane comments were received on the definition of "lock-in." One commenter suggested that large projects that take more than 6 months for FEMA approval would not be factored into the rate and therefore the amount available to the State would be reduced. FEMA believes this is incorrect as the amount of management cost funding that will be made available will be based on program projections—not approved projects. Another comment asserted that this "produces an even harder financial hit to the grantee and subgrantee" because current subgrantee administrative costs are based on the total obligation, not just the Federal share. This disparity is addressed because the percentage is based on what FEMA paid out over a 6 year period, including the funding paid to subgrantees that is based on the total project obligation, not just the Federal share.

One State asked what the basis for the management cost funding would be for the HMGP when only Individual Assistance (IA) and HMGP are declared. Under an IA/HMGP declaration, the HMGP management cost rate would be provided for management of that program based on the estimated projections (Federal share) for the HMGP program.

2. Applicability and Eligibility

FEMA received several comments about the applicable date described in § 207.3. In the preamble of the proposed rule, FEMA noted that the anticipated implementation date was subject to change. Progress toward implementation was slowed by several factors and the implementation date for management costs has been changed accordingly.

3. Responsibilities

One commenter suggested that, rather than reviewing the rate no later than three years after the rule is in effect, FEMA should review after 1 year. Because section 324 of the Stafford Act requires FEMA to review the management cost rates established not

later than 3 years after the date of establishment of the rates and periodically thereafter, FEMA retains the discretion to review sooner, if necessary. Accordingly, this change was not made.

Two States asked whether pass-through funding to subgrantees was mandatory. The Stafford Act defines the management cost rates as being for grantees and subgrantees. FEMA has added language to clarify the grantee's responsibility for determining the amount or percentage of management cost funding to be passed through to subgrantees and ensuring that it provides such funds to subgrantees.

Other States expressed concerns about setting a fixed rate. However, the Stafford Act requires FEMA to set management cost rates to be used to determine contributions for management costs—full compensation to a grantee or subgrantee is not implicit. FEMA believes that the sharing of costs—as PA and HMGP costs are shared—leads to better fiscal responsibility and accountability.

4. Determination of Management Costs

The title of this section has been renamed "Determination of management cost funding" to more accurately reflect that what is being determined is the amount of funding that will be available for management costs, not whether specific costs are eligible as management costs.

Two comments were received about the timing of, and adjustments to, the lock-in amount. One commenter felt that locking into a final amount at 9 months would cause unfair fiscal burdens on grantees and subgrantees. In the proposed rule, FEMA stated it would determine the final lock-in amount for management cost funding at 9 months or after the final HMGP lock-in ceiling was determined, whichever was later. After HMGP lock-in, the projected amount of funding for that program is set. FEMA believes that locking into a management cost amount after the HMGP ceiling is established maximizes the amount available for management costs. However, since the HMGP ceiling is currently expected to lock at 12 months, FEMA has changed the final lock-in date for management costs to 12 months or after HMGP lock-in, whichever is later. The other commenter suggested that the phased lock-in process should allow for increases as disaster cost estimates change; the rule as written allows this.

Two States provided comments on the \$20 million cap proposed for the total amount of management cost funds to be provided pursuant to a single

declaration. One State claimed that \$20 million equated to a \$453 million event, which would not be out of the ordinary. FEMA does not agree with this calculation, as it assumes the \$453 million was derived by calculating that \$20 million is 4.41 percent (the rate in the proposed rule) of \$453 million. In this case, \$453 million would indeed represent combined PA and HMGP projections; however, on average, PA and HMGP represent approximately 58 percent of total disaster costs. Therefore, \$20 million in management cost funding would approximately equal a \$781 million event ($\$781 \text{ million} \times .58 = 453 \text{ million}$)—far more out of the ordinary.

The other State commented that “[t]he identification of \$20 million as the ‘not to exceed’ amount for management costs appears to be the real reason for this proposed rule.” FEMA disagrees with this statement, as the rule is being promulgated in response to a change in law (section 324 of the Stafford Act, 42 U.S.C. 5165b).

Although FEMA is now providing separate management cost rates and funding for PA and HMGP as part of the programs and not as a separate grant program, the single cap for management costs for the declaration has been retained.

5. Eligible Use of Funds

Since publication of the proposed rule, and in response to comments, FEMA has changed the title of this section to “Use of funds” to more accurately reflect the content of the section.

FEMA received a number of comments and questions on this section, many related to individual items that were listed as “eligible” or “ineligible.” The items listed in the proposed rule were not meant to be exhaustive, but rather were to be representative of the types of costs for which the use of management cost funding would be appropriate. In response to comments, FEMA has determined that the lists are not necessary. Instead, the interim final rule states that all charges must be related to administration of PA and HMGP, must be properly documented, and must be made in accordance with § 13.22.

FEMA received a number of questions about the treatment of indirect costs. Because the statutory definition of management costs in section 324 of the Stafford Act, 42 U.S.C. 5165b, includes indirect costs, grantees and subgrantees may not add such costs to project costs or request reimbursement separately. After the effective date of this interim final rule, the only available mechanism for reimbursement of indirect costs for

PA and HMGP is use of management cost funding provided in this section.

In the NPRM, FEMA proposed that any management cost funds that were not needed for a specific declaration could be retained by the grantee or subgrantee, upon approval of a spending plan for improvement of the disaster programs’ general financial and grants management. Because such costs are already eligible management costs, if directly attributable to program management for that declaration, FEMA has determined there is no need for a second spending plan. Any such planned expenditures should be included with the documentation submitted to support the management cost funding request and any management cost funds not properly expended in direct support of PA or HMGP will be deobligated by FEMA.

6. Application Procedures

FEMA received several comments about the proposed process and timing for applying for management cost funding. Because the requirements of a separate grant program no longer apply, the process for requesting management cost funding is simplified. Accordingly, FEMA has decided to implement section 324 by continuing to use the same application processes for management costs as it is currently using, rather than as a separate grant program. That is, grantees will continue to apply for PA management cost funding using a PW and its associated forms, if applicable, and for HMGP management cost funding using a project narrative.

Additionally, FEMA will not require detailed justifications to support management cost funding requests until 120 days after the date of declaration. This change will alleviate the burden to the grantee, at the busy time of initial response and recovery, and afford the opportunity for the grantee to provide a more thorough and accurate request to FEMA.

In the interim final rule, the “Application procedures” section has been changed to “Procedures for requesting management cost funding.”

7. Grants Management Oversight

Since publication of the proposed rule, and in response to comments, FEMA has decided to implement section 324 of the Stafford Act as part of the PA and HMGP programs and not as a separate grant program. Subsequently, this section of the rule has been changed to “Management cost funding oversight.”

In the proposed rule, FEMA stated that management cost funds would need

to be expended not later than 6 years from the date of major disaster or emergency declaration, or by 90 days after grant closeout, whichever is sooner. The 6 year limit was meant to encourage proper grant management, which includes timely grant closeout. In response to comments asking for additional time and after further analysis, FEMA has changed the 6 year limit to a maximum of 8 years for major disaster declarations and 2 years for emergency declarations, or 180 days after the latest performance period date of a non-management cost PA PW or HMGP project narrative, respectively, for both types of declarations, whichever is sooner.

8. Declarations Before October 1, 2002

Since publication of the proposed rule, FEMA has changed the implementation date of section 324 of the Stafford Act. Subsequently, § 207.9 of the rule has been changed to “Declarations before November 13, 2007.” This section includes provisions on administrative and management costs previously described in §§ 206.228 and 206.439.

FEMA received four comments disagreeing with the provision in the proposed rule that imposed a timeframe on performance periods for declarations made before implementation of section 324. In the interest of ensuring responsible grant management practices and moving towards consistency in the administration of management and administrative costs provided for the affected programs, FEMA believes this provision, which allows a reasonable amount of time for grantees to comply, is an appropriate and necessary provision.

9. Review of Management Cost Rates

One State commented that it did not believe the “solution to controlling expenses is to adopt the flat rate percentage as published and then go back to the drawing board after this rule is in effect” and suggested deleting the periodic review and documentation requirements. FEMA did not make this change, as the Stafford Act requires the review and documentation. Further, section 324 of the Stafford Act is not a “solution to controlling expenses,” but rather a simplification of the multiple methods currently used to contribute to grantee and subgrantee costs.

III. Regulatory Requirements

Administrative Procedure Act

Even though an NPRM has been published, FEMA is publishing this interim final rule rather than proceeding

to a final rule to provide the public with an additional opportunity to comment. FEMA has opted to provide this additional opportunity to comment although the changes to the regulations made in this interim rule are a logical outgrowth of the proposed regulations published in the NPRM and additional opportunity for public comment is not mandatory. As previously addressed in this preamble, the substantive changes to this regulation are as follows:

- Because of comments that raised concerns of increased costs and workload due to the creation of a new grant process, FEMA revised the regulations to incorporate management cost funding into the existing PA and HMGP programs.

- FEMA received comments from the public concerned that providing a combined set amount in management cost funds that would be available for both PA and HMGP would be impractical and create additional burden to program managers. Because of these comments, FEMA has revised the regulations to provide three management cost rates: PA pursuant to major disaster declarations; HMGP pursuant to major disaster declarations; and PA pursuant to emergency declarations. Due to the availability of better data provided by the use of the National Emergency Management Information System (NEMIS), in this interim rule FEMA updated the management cost rate calculations for those three rates.

- FEMA received comments that providing management cost funds to grantees for both grantee and subgrantee use could be divisive unless State plans are in place and accepted prior to declaration. FEMA agreed and revised the regulation to require States to outline their plans for subgrantee treatment in the State administrative plans already required for PA and HMGP.

- The implementation date was changed, as noted in the preamble to the NPRM.

- In response to comments concerned that locking into a final amount at 9 months would cause unfair fiscal burdens, FEMA changed the final lock-in date for management costs to 12 months or after HMGP lock-in, whichever is later.

- FEMA received several comments about the proposed process and timing for applying for management cost funding. As a response, FEMA will not require detailed justifications to support management cost funding requests until 120 days after the date of declaration to alleviate the burden on the grantee and

afford them the opportunity to provide a more thorough and accurate request.

- In response to comments asking for additional time to expend management cost funds, FEMA extended the limit of 6 years from the date of major disaster or emergency declaration or 90 days after grant closeout, whichever is sooner, to a maximum of 8 years for major disaster declarations and 2 years for emergency declarations, or 180 days after the latest performance period date of a non-management cost PA, PW or HMGP project narrative, respectively, for both types of declarations, whichever is sooner.

Further, under 5 U.S.C. 553(b)(B) FEMA finds that good cause exists for not publishing a Supplemental Notice of Proposed Rulemaking (SNPRM), because publishing an SNPRM would be contrary to public interest since immediate action is needed to correct weaknesses in awarding funds to cover grantee operations associated with the administration of PA and HMGP grants. As stated earlier in the preamble to this interim rule, Public Law 106–390, section 202(b)(2), created section 324 of the Stafford Act which becomes effective when FEMA has promulgated a management cost rate regulation (this regulation). Until this regulation is published, management cost funding is provided pursuant to subsection 406(f) of the Stafford Act, OMB Circular No. A–87, and part 13.

In its “Review of FEMA Policy for Funding Public Assistance Administrative Costs” (GC–HQ–06–40) dated April 28, 2006, FEMA was advised by the Department of Homeland Security Office of Inspector General (OIG), that it should take immediate action to implement section 324 of the Stafford Act. This was reiterated in the OIG’s “Review of FEMA Internal Controls for Funding Administrative Cost under State Management Grants” memorandum dated January 9, 2007 (OIG–07–21). This interim rule is intended to establish management cost rates to replace the administrative allowance and state management grants and address funding and related control weaknesses immediately, while continuing to take public comment and, perhaps, further amend the regulations in light of those comments.

Pursuant to 5 U.S.C. 553(d), FEMA is making this rule effective 30 days after publication in the **Federal Register**. FEMA invites further comment from the public on this interim final rule.

Congressional Review of Agency Rulemaking

FEMA has sent this interim final rule to the Congress and to the Government

Accountability Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801–808. The rule is not a “major rule” within the meaning of that Act and will not result in an annual effect on the economy of 100,000,000 or more. Moreover, it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Nor does FEMA expect that it will have “significant adverse effects” on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

National Environmental Policy Act (NEPA)

FEMA explained when the proposed rule was published that § 10.8(d)(2)(ii) excludes this rule from the preparation of an environmental assessment or environmental impact statement, where the rule relates to actions that qualify for categorical exclusion under § 10.8(d)(2)(i), such as the provision of funding for management costs. No commenters disagreed with our determination. FEMA has not prepared an environmental assessment or environmental impact statement for this interim final rule.

Paperwork Reduction Act of 1995

In the proposed rule, FEMA proposed to provide management cost funding through a new grant program. Because that new grant program would collect new information from the public, FEMA determined that it would be subject to the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520, and obtained Office of Management and Budget (OMB) approval for Control Number 1660–0063, Management Costs information collection. As a result of public comments and further analysis, as discussed elsewhere in the preamble of this interim rule FEMA has withdrawn its proposal to create a new grant program, and has decided to implement section 324 of the Stafford Act as part of the already existing PA and HMGP programs. FEMA submitted an OMB83D form on September 16, 2005 to discontinue OMB Control Number 1660–0063, Management Costs information collection; OMB approved the discontinuance on September 21, 2005. FEMA no longer intends to collect information with respect to that proposed grant program.

In this interim rule, FEMA implements section 324 by continuing to use the same application processes for management costs as it is currently

using, rather than as a separate grant program. That is, grantees will continue to apply for PA management cost funding using the Project Worksheet (PW) and its associated forms, if applicable, as already approved by OMB. The PW and associated forms for PA management cost funding are approved under OMB Control Number 1660-017, Public Assistance Progress Report and Program Forms information collection which expires on October 31, 2008. HMGP management cost funding would be provided using the project narrative approved under OMB Control Number 1660-0076, Hazard Mitigation Grant Program Application and Reporting information collection which expires May 31, 2010.

Use of these collections under this interim final rule does not impose additional burden under those program collections. By allowing grantees to continue to request management cost funding via the same processes with which they are familiar, FEMA expects that this rule will simplify the process and reduce the burden to the public.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), agencies must consider the impact of their rulemakings on “small entities” (small businesses, small organizations and local governments). When 5 U.S.C. 553 requires an agency to publish a notice of proposed rulemaking, the Regulatory Flexibility Act requires a regulatory flexibility analysis for both the proposed rule and the final rule if the rulemaking could “have a significant economic impact on a substantial number of small entities.” The Act also provides that if a regulatory flexibility analysis is not required, the agency must certify in the rulemaking document that the rulemaking will not “have a significant economic impact on a substantial number of small entities.”

This interim final rule affects grantees that are State governments, or in certain situations, Indian tribal governments. It does not impact private sector entities. Further, the result of this interim final rule will be to reduce the administrative burden on both grantees and the Federal government by simplifying and clarifying the application process, grant administration, and reimbursement methods for management and administration costs by reducing the current three methods and processes to one. Further, grantees currently make numerous petitions for payment. Implementation of this interim final rule is expected to reduce the number of times grantees will need to petition to receive payment for management costs.

This interim final rule does not impact the amount of funding available for management costs, as the percentages for reimbursement proposed are based on historical average obligations. Although there is a proposed cap on the amount of management costs that can be provided per declaration, the interim final rule provides a mechanism for waiver in extraordinary circumstances.

Because this interim final rule does not impact the amount of funds provided to grantees, but simply reduces the administrative burden to State and Indian tribal government grantees, FEMA certifies that it will not have a significant economic impact on a substantial number of small entities.

Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866, 58 FR 51735, Oct. 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines “significant regulatory action” as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of 100 million or more, or may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This rule is not a “significant regulatory action” under Executive Order 12866; therefore, OMB has not reviewed it under that Order. As FEMA stated in the proposed rule, it would not have an annual effect on the economy of 100 million or more and FEMA knows of no other conditions that would qualify the rule as a “significant regulatory action” within the definition of section 3(f) of the Executive Order.

As explained in the Regulatory Flexibility Act section, this interim final rule does not impact the amount of funding that will be provided by FEMA for management costs. Rather, the interim final rule simplifies and clarifies the processing and administration of management cost funding. The interim final rule will reduce the administrative

burden to both grantees and FEMA by reducing the multiple methods of reimbursement from three to one. Further, grantees currently make numerous petitions for payment. Implementation of this interim final rule will greatly reduce the number of times grantees will need to petition to receive payment for management costs.

This interim final rule does not materially alter the budgetary impact of the Public Assistance and Hazard Mitigation grant programs as the amount of funding available for management costs under this interim final rule is based on historical average obligations. Although there is a proposed cap on the amount of management costs that can be provided per declaration, the interim final rule provides a mechanism for waiver in extraordinary circumstances.

Because this interim final rule simplifies, clarifies, and reduces the administrative burden to grantees and FEMA, there are no additional costs due to this regulatory action.

Executive Order 13132, Federalism

Executive Order 13132 sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

FEMA reviewed the proposed rule under Executive Order 13132 and determined that the rule did not have “substantial direct effects on the States” and therefore did not have the type of federalism implications contemplated by the Executive Order. Four commenters disagreed, believing that there would be a shift of power and responsibilities. FEMA believes that the interim final rule is consistent with the terms of Executive Order 13132 in that it “shall grant the States the maximum administrative discretion possible” and “shall encourage States to develop their own policies to achieve program objectives” as directed by the Executive Order. The interim final rule does not significantly affect the rights, roles, and responsibilities of States, involves no additional preemption of State law, and does not limit State policymaking discretion.

Executive Order 12898, Environmental Justice

Under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994, FEMA has undertaken to incorporate environmental justice into its policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination because of their race, color, or national origin. FEMA stated when it published the proposed rule that no action it could anticipate under the proposed rule would have a disproportionately high and adverse human health effect on any segment of the population. No commenter disagreed with this determination and accordingly, FEMA reiterates that the requirements of the Executive Order do not apply to this rule.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13175, FEMA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by the tribal government, or FEMA consults with those governments.

This rule is required by statute, and, as FEMA stated when the proposed rule was published, it did not believe that the rule would significantly and uniquely affect the communities of Indian tribal governments, or the relationship between the Federal Government and Indian tribes, or the distribution of power and responsibilities between the Federal Government and Indian tribes. Moreover, the rule did not impose substantial direct compliance costs on tribal governments, nor did it preempt tribal law, impair treaty rights or limit the self-governing powers of tribal governments. FEMA received no comments disagreeing with this determination. The interim final rule will also not significantly and uniquely affect the communities of Indian tribal governments, or the relationship

between the Federal Government and Indian tribes. Moreover, the rule does not impose substantial direct compliance costs on tribal governments, nor does it preempt tribal law, impair treaty rights or limit the self-governing powers of tribal governments.

List of Subjects*44 CFR Part 206*

Administrative costs, Administrative practice and procedure, Disaster assistance, Grant programs, Management costs, Reporting and recordkeeping requirements.

44 CFR Part 207

Administrative costs, Administrative practice and procedure, Disaster assistance, Grant programs, Management costs, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Federal Emergency Management Agency amends 44 CFR chapter I as set forth below:

PART 206—FEDERAL DISASTER ASSISTANCE

■ 1. Revise the part heading of 44 CFR part 206 as set forth above:

■ 2. The authority citation for part 206 is revised to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

■ 3. Add new paragraph (b)(1)(iii)(K) to § 206.207 to read as follows:

§ 206.207 Administrative and audit requirements.

* * * * *

(b) * * *

(1) * * *

(iii) * * *

(K) Determining the reasonable percentage or amount of pass-through funds for management costs provided under 44 CFR part 207 that the grantee will make available to subgrantees, and the basis, criteria, or formula for determining the subgrantee percentage or amount.

* * * * *

■ 4. Remove paragraphs (a)(2), (a)(3), and (b); reserve paragraph (b); redesignate paragraph (a)(4) as paragraph (a)(2) and revise it; and add new paragraph (a)(3) to § 206.228 to read as follows:

§ 206.228 Allowable costs.

* * * * *

(a) * * *

(2) *Force Account Labor Costs.* The straight- or regular-time salaries and benefits of a subgrantee's permanently employed personnel are not eligible in calculating the cost of eligible work under sections 403 and 407 of the Stafford Act, 42 U.S.C. 5170b and 5173. For the performance of eligible permanent restoration under section 406 of the Stafford Act, 42 U.S.C. 5172, straight-time salaries and benefits of a subgrantee's permanently employed personnel are eligible.

(3) Administrative and management costs for major disasters and emergencies will be paid in accordance with 44 CFR part 207.

(b) [Reserved]

■ 5. Add new paragraph (b)(4)(xiv) to § 206.437 to read as follows:

§ 206.437 State administrative plan.

* * * * *

(b) * * *

(4) * * *

(xiv) Determine the percentage or amount of pass-through funds for management costs provided under 44 CFR part 207 that the grantee will make available to subgrantees, and the basis, criteria, or formula for determining the subgrantee percentage or amount.

* * * * *

■ 6. Revise § 206.439 to read as follows:

§ 206.439 Allowable costs.

(a) General requirements for determining allowable costs are established in 44 CFR 13.22. Exceptions to those requirements as allowed in 44 CFR 13.4 and 13.6 are explained in paragraph (b) of this section.

(b) Administrative and management costs for major disasters will be paid in accordance with 44 CFR part 207.

■ 7. Add part 207 to read as follows:

PART 207—MANAGEMENT COSTS

Sec.

207.1 Purpose.

207.2 Definitions.

207.3 Applicability and eligibility.

207.4 Responsibilities.

207.5 Determination of management cost funding.

207.6 Use of funds.

207.7 Procedures for requesting management cost funding.

207.8 Management cost funding oversight.

207.9 Declarations before November 13, 2007.

207.10 Review of management cost rates.

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978

Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

§ 207.1 Purpose.

The purpose of this part is to implement section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5165b.

§ 207.2 Definitions.

Cap means the maximum dollar amount that may be provided to a grantee for management cost funds for a single declaration pursuant to § 207.5(c) of this part.

Chief Financial Officer (CFO) is the Chief Financial Officer of FEMA, or his/her designated representative.

Cognizant Agency means the Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals developed on behalf of all Federal agencies. The Office of Management and Budget (OMB) publishes a listing of cognizant agencies.

Grant means an award of financial assistance making payment in cash, property, or in kind for a specified purpose, by the Federal Government to an eligible grantee.

Grantee for purposes of this part means the government to which a Public Assistance (PA) or Hazard Mitigation Grant Program (HMGP) grant is awarded that is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State is the grantee. However, after a declaration, an Indian tribal government may choose to be a grantee, or may act as a subgrantee under the State for purposes of administering a grant under PA, HMGP, or both. When an Indian tribal government has chosen to act as grantee, it will also assume the responsibilities of a "grantee" under this part for the purposes of administering management cost funding.

Hazard Mitigation Grant Program (HMGP) means the program implemented at part 206, subpart N of this chapter.

HMGP lock-in ceiling means the level of HMGP funding available to a grantee for a particular disaster declaration.

HMGP project narrative refers to the request submitted for HMGP funding.

Indian tribal government is a Federally recognized governing body of an Indian or Alaska Native tribe, band,

nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Indirect Costs means costs that are incurred by a grantee for a common or joint purpose benefiting more than one cost objective that are not readily assignable to the cost objectives specifically benefited.

Lock-in means the amount of management cost funds available to a grantee for PA or HMGP, respectively, for a particular major disaster or emergency, as FEMA determines at 30 days, 6 months, and 12 months or upon calculation of the final HMGP lock-in ceiling, whichever is later.

Management Costs means any indirect costs, administrative expenses, and any other expenses not directly chargeable to a specific project that are reasonably incurred by a grantee or subgrantee in administering and managing a PA or HMGP grant award. For HMGP, management cost funding is provided outside of Federal assistance limits defined at § 206.432(b) of this chapter.

Project refers to a project as defined at § 206.201(i) of this chapter for PA or eligible activities as defined at § 206.434(d) of this chapter for HMGP.

Project Worksheet (PW) refers to FEMA Form 90–91, or any successor form, on which the scope of work and cost estimate for a logical grouping of work required under the PA program as a result of a declared major disaster or emergency is documented.

Public Assistance (PA) means the program implemented at part 206, subparts G and H of this chapter.

Regional Administrator is the head of a FEMA regional office, or his/her designated representative, appointed under section 507 of the Post-Katrina Emergency Management Reform Act of 2006 (Pub. L. 109–295). The term also refers to Regional Directors as discussed in Part 2 of this chapter.

Stafford Act refers to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121–5206).

State is any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Subgrantee means the government or other legal entity to which a grantee awards a subgrant and which is accountable to the grantee for the use of the funds provided. Subgrantees can be

a State agency, local government, private nonprofit organization, or Indian tribal government.

§ 207.3 Applicability and eligibility.

Only PA and HMGP grantees with PA and HMGP grants awarded pursuant to major disasters and emergencies declared by the President on or after November 13, 2007 are eligible to apply to FEMA for management cost funding under this part.

§ 207.4 Responsibilities.

(a) *General*. This section identifies key responsibilities of FEMA and grantees in carrying out section 324 of the Stafford Act, 42 U.S.C. 5165b. These responsibilities are unique to the administration of this part and are in addition to common Federal Government requirements of grantees and subgrantees, consistent with OMB circulars and other applicable requirements, such as part 13 of this chapter.

(b) *FEMA*. FEMA is responsible for:

(1) Determining the lock-in amount for management costs in accordance with § 207.5.

(2) Obligating funds for management costs in accordance with § 207.5(b).

(3) Deobligating funds provided for management costs not disbursed in accordance with § 207.8(b).

(4) Reviewing management cost rates not later than 3 years after this rule is in effect and periodically thereafter.

(c) *Grantee*. The grantee must:

(1) Administer management cost funds to ensure that PA and HMGP, as applicable, are properly implemented and closed out in accordance with program timeframes and guidance.

(2) Determine the reasonable amount or percentage of management cost funding to be passed through to subgrantees for contributions to their costs for administering PA and HMGP projects and ensure that it provides such funds to subgrantees.

(3) Address procedures for subgrantee management costs amount or percentage determination, pass through, closeout, and audit in the State administrative plan required in § 206.207(b) of this chapter for PA and § 206.437 of this chapter for HMGP.

§ 207.5 Determination of management cost funding.

(a) *General*. This section describes how FEMA determines the amount of funds that it will contribute under this part for management costs for PA and/or HMGP for a particular major disaster or emergency.

(b) *Lock-in*. FEMA will determine the amount of funds that it will make

available for management costs by a lock-in, which will act as a ceiling for funds available to a grantee, including its subgrantees.

(1) Not earlier than 30 days and not later than 35 days from the date of declaration, FEMA will provide the grantee preliminary lock-in amount(s) for management costs based on the projections at that time of the Federal share for financial assistance for PA and HMGP, as applicable. In accordance with § 207.7(c), FEMA will obligate 25 percent of the estimated lock-in amount(s) to the grantee.

(2) For planning purposes, FEMA will revise the lock-in amount(s) at 6 months after the date of the declaration. In accordance with § 207.7(e), FEMA may obligate interim amount(s) to the grantee.

(3) FEMA will determine the final lock-in amount(s) 12 months after date of declaration or after determination of the final HMGP lock-in ceiling, whichever is later. FEMA will obligate the remainder of the lock-in amount(s) to the grantee in accordance with § 207.7(f).

(4) Rates. (i) For major disaster declarations, FEMA will determine the lock-in for PA based on a flat percentage rate of the Federal share of projected eligible program costs for financial assistance pursuant to sections 403, 406, and 407 of the Stafford Act, 42 U.S.C. 5170b, 5172, and 5173, respectively, but not including direct Federal assistance. For major disaster declarations on or after November 13, 2007, the PA rate will be 3.34 percent.

(ii) For major disaster declarations, FEMA will determine the lock-in for HMGP based on a flat percentage rate of the Federal share of projected eligible program costs under section 404 of the Stafford Act, 42 U.S.C. 5170c. For major disaster declarations on or after November 13, 2007, the HMGP rate will be 4.89 percent.

(iii) For emergency declarations, FEMA will determine the lock-in for PA based on a flat percentage rate of the Federal share of projected eligible program costs for financial assistance (sections 502 and 503 of the Stafford Act, 42 U.S.C. 5192 and 5193, respectively), but not including direct Federal assistance. For emergency declarations on or after November 13, 2007 the rate will be 3.90 percent.

(c) The dollar amount provided to a grantee for management cost funds for a single declaration will not exceed 20,000,000, except as described in paragraphs (d) and (e) of this section.

(d) The grantee must justify in writing to the Regional Administrator any requests to change the amount of the

lock-in or the cap, extend the time period before lock-in, or request an interim obligation of funding at the time of the 6-month lock-in adjustment. The Regional Administrator will recommend to the Chief Financial Officer whether to approve the extension, change, or interim obligation. Extensions, changes to the lock-in, or interim obligations will not be made without the approval of the Chief Financial Officer.

(e) The Chief Financial Officer may change the amount of the lock-in or the cap, or extend the time before lock-in, if the Chief Financial Officer determines that the projections used to determine the lock-in were inaccurate to such a degree that the change to the lock-in would be material, or for other reasons in his or her discretion that may reasonably warrant such changes. The Chief Financial Officer will not make such changes without consultation with the grantee and the Regional Administrator.

§ 207.6 Use of funds.

(a) The grantee or subgrantee must use management cost funds provided under this part in accordance with § 13.22 of this chapter and only for costs related to administration of PA or HMGP, respectively. All charges must be properly documented in accordance with § 207.8(f).

(b) Indirect costs may not be charged directly to a project or reimbursed separately, but rather are considered to be eligible management costs under this part.

(c) Activities and costs that can be directly charged to a project with proper documentation are not eligible for funding under this part.

§ 207.7 Procedures for requesting management cost funding.

(a) *General.* This section describes the procedures to be used by the grantee in requesting management cost funding.

(b) *State Administrative Plan Requirements.* State administrative plans, as required in § 206.207(b) of this chapter for PA and § 206.437 of this chapter for HMGP, must be amended to include procedures for subgrantee management costs amount or percentage determination, pass through, closeout, and audit, as required by § 207.4(c)(3) before management cost funds will be provided under this part.

(c) *Initial Funding Request Submission.* Upon notification of the preliminary lock-in amount(s) for management costs based on the Federal share of the projected eligible program costs for financial assistance at that time for PA and HMGP, as applicable, the grantee must submit its initial

management cost funding request to the Regional Administrator. FEMA must receive the initial funding request before it will provide any management cost funds under this part.

(1) For PA management costs, funding requests shall be submitted using a PW.

(2) For HMGP management costs, funding requests shall be submitted using an HMGP project narrative.

(d) *Request Documentation.* The grantee is required to submit, no later than 120 days after the date of declaration, documentation to support costs and activities for which the projected lock-in for management cost funding will be used. In extraordinary circumstances, FEMA may approve a request by a grantee to submit support documentation after 120 days. FEMA will work with the grantee to approve or reject the request within 30 days of receipt of the request. If the request is rejected, the grantee will have 30 days to resubmit it for reconsideration and approval. FEMA will not obligate the balance of the management costs lock-in pursuant to a final funding request as described in paragraph (f) of this section or any interim amounts as allowed under paragraph (e) of this section unless the grantee's documentation is approved. The documentation must include:

(1) A description of activities, personnel requirements, and other costs for which the grantee will use management cost funding provided under this part;

(2) The grantee's plan for expending and monitoring the funds provided under this part and ensuring sufficient funds are budgeted for grant closeout; and

(3) An estimate of the percentage or amount of pass-through funds for management costs provided under this part that the grantee will make available to subgrantees, and the basis, criteria, or formula for determining the subgrantee percentage or amount (e.g., number of projects, complexity of projects, X percent to any subgrantee).

(e) *Interim Funding Request.* If the grantee can justify a bona fide need for an additional obligation of management cost funds at 6 months, the grantee may submit a request to the Regional Administrator. Any interim obligations by FEMA must be approved by the Chief Financial Officer and will not exceed an amount equal to 10 percent of the 6-month lock-in amount, except in extraordinary circumstances.

(f) *Final Funding Request.* Upon notification of the final lock-in amount(s), the grantee must submit a final management cost funding request to the Regional Administrator. Any

necessary revisions to supporting documentation must be attached to the final funding request.

§ 207.8 Management cost funding oversight.

(a) *General.* The grantee has primary responsibility for grants management activities and accountability of funds provided for management costs as required by part 13 of this chapter, especially §§ 13.20 and 13.36. The grantee is responsible for ensuring that subgrantees meet all program and administrative requirements.

(b) *Period of availability.* (1) For major disaster declarations, the grantee may expend management cost funds for allowable costs for a maximum of 8 years from the date of the major disaster declaration or 180 days after the latest performance period date of a non-management cost PA PW or HMGP project narrative, respectively, whichever is sooner.

(2) For emergency declarations, the grantee may expend management cost funds for allowable costs for a maximum of 2 years from the date of the emergency declaration or 180 days after the latest performance period of a non-management cost PA PW, whichever is sooner.

(3) The period of availability may be extended only at the written request of the grantee, with the recommendation of the Regional Administrator, and with the approval of the Chief Financial Officer. The grantee must include a justification in its request for an extension, and must demonstrate that there is work in progress that can be completed within the extended period of availability. In no case will an extended period of availability allow more than 180 days after the expiration of any performance period extensions granted under PA or HMGP for project completion. FEMA will deobligate any funds not liquidated by the grantee in accordance with § 13.23 of this chapter.

(c) *Reporting requirements.* The grantee must provide quarterly progress reports on management cost funds to the Regional Administrator as required by the FEMA-State Agreement.

(d) *Closeout.* The grantee has primary responsibility for the closeout tasks associated with both the program and subgrantee requirements. Complying with each program's performance period requirement, the grantee must conduct final inspections for projects, reconcile subgrantee expenditures, resolve negative audit findings, obtain final reports from subgrantees and reconcile the closeout activities of subgrantees with PA and HMGP grant awards.

(e) *Audit requirements.* Uniform audit requirements in § 13.26 of this chapter apply to all assistance provided under this part.

(f) *Document Retention.* In compliance with State law and procedures and with § 13.42 of this chapter, grantees must retain records, including source documentation to support expenditures/costs incurred for management costs, for 3 years from the date of submission of the final Financial Status Report to FEMA that is required for PA and HMGP. The grantee is responsible for resolving questioned costs that may result from audit findings during the 3-year-record-retention period and returning any disallowed costs from ineligible activities.

§ 207.9 Declarations before November 13, 2007.

(a) *General.* This section describes how FEMA provides administrative and management cost funding for PA and HMGP for major disasters or emergencies declared before November 13, 2007.

(b) *Eligible direct costs.* Eligible direct costs to complete approved activities are governed by part 13 of this chapter. The eligible direct costs for administration and management of the program are divided into two categories as follows:

(1) *Grantee.* (i) *Statutory administrative costs.* FEMA may provide funds to the grantee to cover the extraordinary costs incurred in preparing project worksheets or applications, final inspection reports, quarterly reports, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses, but not including regular time for such employees. FEMA will base the funds on the following percentages of the total amount of assistance provided (Federal share) for all subgrantees in the State under sections 403, 404, 406, 407, 502, and 503 of the Stafford Act (42 U.S.C. 5170b, 5170c, 5172, 5173, 5192, and 5193, respectively):

(A) For the first 100,000 of total assistance provided (Federal share), 3 percent of such assistance.

(B) For the next 900,000, 2 percent of such assistance.

(C) For the next 4,000,000, 1 percent of such assistance.

(D) For assistance over \$5,000,000, one-half of 1 percent of such assistance.

(ii) *State management administrative costs.* Except for the items listed in paragraph (b)(1)(i) of this section, other administrative costs will be paid in accordance with § 13.22 of this chapter. The grantee and FEMA will share such

costs under the cost share provisions of applicable PA and HMGP regulations.

(2) *Subgrantee.* The grantee may provide funds to the subgrantee to cover necessary costs of requesting, obtaining, and administering Federal disaster assistance subgrants, based on the following percentages of net eligible costs under sections 403, 404, 406, 407, 502, and 503 of the Stafford Act (42 U.S.C. 5170b, 5170c, 5172, 5173, 5192, and 5193, respectively), for an individual applicant (applicants in this context include State agencies):

(i) For the first \$100,000 of net eligible costs, 3 percent of such costs.

(ii) For the next \$900,000, 2 percent of such costs.

(iii) For the next \$4,000,000, 1 percent of such costs.

(iv) For those costs over \$5,000,000, one-half of 1 percent of such costs.

(c) *Eligible indirect costs:* (1) *Grantee.* Indirect costs of administering the disaster program are eligible in accordance with the provisions of part 13 of this chapter and OMB Circular No. A-87, if the grantee provides FEMA with a current Indirect Cost Rate Agreement approved by its Cognizant Agency.

(2) *Subgrantee.* No indirect costs of a subgrantee are separately eligible because the percentage allowance in paragraph (b)(2) of this section covers necessary costs of requesting, obtaining and administering Federal assistance.

(d) *Availability.*

(1) For major disaster declarations, FEMA will reimburse grantee eligible costs as described in this section at (b)(1)(ii) and (c)(1) for a maximum of 8 years from the date of the major disaster declaration or 180 days after the latest performance period date of a non-management cost PA PW or predecessor form or HMGP project narrative, respectively, whichever is sooner.

(2) For emergency declarations, FEMA will reimburse grantee eligible costs as described in this section at (b)(1)(ii) and (c)(1) for a maximum of 2 years from the date of the emergency declaration or 180 days after the latest performance period of a non-management cost PA PW or predecessor form, whichever is sooner.

(3) The reimbursement of grantee eligible costs as described in this section at (b)(1)(ii) and (c)(1) may be provided by FEMA after the periods of availability described in this section only at the written request of the grantee, with the recommendation of the Regional Administrator, and with the approval of the Chief Financial Officer. The grantee must include a justification in its request for further reimbursement, and must demonstrate that there is work in progress that can be completed

within the extended period of reimbursement. In no case will reimbursement be provided after 180 days after the expiration of any performance period extensions granted under PA or HMGP for project completion.

§ 207.10 Review of management cost rates.

(a) FEMA will review management cost rates not later than 3 years after this rule is in effect and periodically thereafter.

(b) In order for FEMA to review the management cost rates established, and in accordance with part 13 of this chapter, the grantee and subgrantee must document all costs expended for management costs (including cost overruns). After review of this documentation, FEMA will determine whether the established management cost rates are adequate for the administration and closeout of the PA and HMGP programs.

Dated: October 4, 2007.

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E7-20035 Filed 10-10-07; 8:45 am]

BILLING CODE 9110-49-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 12

[EB Docket No. 06-119; WC Docket No. 06-63; FCC 07-177]

Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: In this document, the Federal Communications Commission (Commission) considers petitions for reconsideration and/or clarification (Petitions) of the Order that adopted the Commission's rule, which required that certain local exchange carriers (LECs) and commercial mobile radio service (CMRS) providers have an emergency backup power source for all assets that are normally powered from local AC commercial power. The Commission modifies its rules to address several meritorious issues raised in the petitions. These modifications will facilitate carrier compliance and reduce the burden on LECs and CMRS providers, while continuing to further

important homeland security and public safety goals.

DATES: The rules in 47 CFR 12.2 contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Jean Ann Collins, Deputy Division Chief, Communications Systems Analysis Division, Public Safety and Homeland Security Bureau, Federal Communications Commission at (202) 418-2792. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an e-mail to PRA@fcc.gov or contact Judith B. Herman at (202) 418-0214.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration in EB Docket No. 06-119 and WC Docket No. 06-63, FCC 07-177, adopted October 2, 2007, and released October 4, 2007. The full text of this document is available for public inspection and copying on the Commission's Internet site at <http://www.fcc.gov>. It is also available for inspection and copying during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Room CY-B402, 445 12th Street, SW., Washington, DC 20554, telephone (202) 488-5300, fax (202) 488-5563; or via e-mail FCC@BCPIWEWEB.COM. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by sending an e-mail to FCC504@fcc.gov or calling the Consumer and Governmental Affairs Bureau at (202) 418-0530, TTY (202) 418-0432.

Synopsis of the Order on Reconsideration

Background

In January 2006, Chairman Kevin J. Martin established the Katrina Panel pursuant to the Federal Advisory Committee Act, Public Law 92-463, as amended. The mission of the Katrina Panel was to review the impact of Hurricane Katrina on communications infrastructure in the areas affected by the hurricane and to make recommendations to the Commission regarding ways to improve disaster preparedness, network reliability and communications among first responders such as police, fire fighters, and

emergency medical personnel. The Katrina Panel submitted its report on June 12, 2006. The Katrina Panel's report described the impact of the worst natural disaster in the Nation's history, as well as the overall public and private response and recovery efforts. The Commission's goal is to take the lessons learned from that disaster and build upon them to promote more effective, efficient response and recovery efforts, as well as heightened readiness and preparedness.

The Commission issued a Notice of Proposed Rulemaking (NPRM) on June 19, 2006 inviting comment on what actions the Commission should take to address the Katrina Panel's recommendations. On July 26, 2006, the Commission issued a public notice asking commenters to address the applicability of the Katrina Panel's recommendations to all types of natural disasters (e.g., earthquakes, tornadoes, hurricanes, forest fires) as well as other types of incidents (e.g., terrorist attacks, influenza pandemic, industrial accidents). The public notice also asked parties to address whether the panel's recommendations are broad enough to take into account the diverse topography of our Nation, the susceptibility of a region to a particular type of disaster, and the multitude of communications capabilities a region may possess. The Commission received over 100 comments and reply comments in response to the NPRM. In June 2007, the Commission released the *Katrina Panel Order* directing the Public Safety and Homeland Security Bureau (PSHSB) to implement several of the recommendations made by the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (Katrina Panel). Among other things, the Commission adopted a rule requiring some communications providers to have emergency/backup power. The backup power rule adopted specifically states:

Local exchange carriers (LECs), including incumbent LECs (ILECs) and competitive LECs (CLECs), and commercial mobile radio service (CMRS) providers must have an emergency backup power source for all assets that are normally powered from local AC commercial power, including those inside central offices, cell sites, remote switches and digital loop carrier system remote terminals. LECs and CMRS providers should maintain emergency backup power for a minimum of 24 hours for assets inside central offices and eight hours for cell sites, remote switches and digital loop carrier system remote terminals that are normally powered from local AC

commercial power. LECs that meet the definition of a Class B company as set forth in § 32.11(b)(2) of the Commission's rules and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this rule.

On August 2, 2007, the Commission released an Order that extended the effective date of § 12.2 of the Commission's rules, the backup power rule adopted in the *Katrina Panel Order*, to October 9, 2007. The Commission did so on its own motion in order to provide additional time to consider the issues raised by CTIA in its Motion for Administrative Stay and to hear from other concerned parties on the issues raised in that motion.

As indicated above, seven petitions were filed seeking reconsideration and/or clarification of the backup power rule adopted by the Commission in the *Katrina Panel Order*. The petitioners assert that the Commission should rescind, modify and/or clarify the backup power rule adopted in the *Katrina Panel Order*. The Commission also received five timely comments to these petitions and several additional *ex parte* comments.

Discussion

Petitioners argue that the Commission should rescind or substantially modify the backup power rule. Among other things, several petitioners assert that the rule should be modified to implement the Network Reliability and Interoperability Council (NRIC) best practice as recommended by the Katrina Panel and that the Commission should clarify that the rule applies only to assets directly related to the provision of critical communications services. Finally, some petitioners argue that, if the Commission wants to pursue implementation of a backup power rule, it should issue a Notice of Inquiry or Notice of Proposed Rulemaking.

Administrative Procedure Act (APA) Notice and Comment. Several petitioners contend that the Commission's adoption of the backup power rule violated the Administrative Procedure Act (APA) by failing to provide adequate notice that it was considering the adoption of that rule and failing to provide opportunity to comment. They argue that the *NPRM* was too general to adequately support the backup power rule ultimately adopted and that the final rule deviates too sharply from the initial proposals to satisfy the notice and comment requirements. Petitioners contend that the *NPRM* never discussed the backup power issue in terms of a potential mandate and only asked how the

Commission could best encourage implementation of the Katrina Panel's backup power recommendation that the Commission encourage the implementation of NRIC VII Recommendation 7-7-5204. Petitioners also assert that the *NPRM* did not suggest that the physical scope of the backup power recommendation might extend to all cell sites other remote assets or that the Commission intended to select a specific durational requirement for emergency power, let alone an eight- or twenty-four hour standard.

Section 553(b) and (c) of the APA requires agencies to give public notice of a proposed rule making that includes "either the terms or substance of the proposed rule or a description of the subjects and issues involved" and to give interested parties an opportunity to submit comments on the proposal. The notice "need not specify every precise proposal which [the agency] may ultimately adopt as a rule"; it need only "be sufficient to fairly apprise interested parties of the issues involved." In particular, the APA's notice requirements are satisfied where the final rule is a "logical outgrowth" of the actions proposed.

In this instance, the Commission provided adequate notice in compliance with the APA regarding the backup power rule. The Katrina Panel Report repeatedly stated that the lack of adequate backup power for communications facilities was a critical problem after Katrina that caused communications network interruptions and hampered recovery efforts. These findings provided the context for the Report's recommendation that the Commission encourage the NRIC best practice that states: "[s]ervice providers, network operators and property managers should ensure availability of emergency/backup power (e.g., batteries, generators, fuel cells) to maintain critical communications services during times of commercial power failures. * * *" In the *NPRM*, the Commission noted that the Katrina Panel observed significant challenges to maintenance and restoration of communications services after Hurricane Katrina, due in part to problems with access to key resources such as power and/or generator fuel. The Commission also noted that the Katrina Panel recommended that the Commission encourage the implementation of certain NRIC best practices intended to promote the reliability and resiliency of the 911 and E911 architecture, including a recommendation that service providers and network operators should "ensure"

availability of emergency backup power capabilities (located on-site, when appropriate). The Commission sought comment on how the Commission can best encourage implementation of these recommendations consistent with its statutory authority and jurisdiction and welcomed further suggestions on measures that could be taken to strengthen 911 and E911 infrastructure and architecture. The Commission also invited "broad comment on the Independent Panel's recommendations and on the measures the Commission should take to address the problems identified" and to build upon the lessons learned from Hurricane Katrina and promote greater resiliency and reliability of communications infrastructure, heightened readiness and preparedness, and more effective, efficient response and recovery efforts, in the future.

Further, in the *NPRM*, the Commission sought comment on whether it should rely on voluntary consensus recommendations or whether it should rely on other measures for enhancing readiness and promoting more effective response efforts. The *NPRM* also invited comment on whether the Katrina Panel's observations warranted additional measures or steps beyond the report's specific recommendations and welcomed suggestions and recommendations of different actions or additional measures beyond the Katrina Panel's recommendations. In its report and recommendations, the Katrina Panel found that the lack of power and/or fuel was one of three main problems that caused the majority of communications network interruptions and significant impediments to the recovery effort in the aftermath of Hurricane Katrina. The Katrina Panel Report also noted that during and after the hurricane, the power needed to support the communications networks was generally unavailable throughout the region and that backup batteries and generators were required for communications systems to continue to operate. The Katrina Panel further noted that "the majority of the adverse effects and outages encountered by wireless providers were due to a lack of commercial power or a lack of transport connectivity to the wireless switch." Additionally, the Katrina Panel Report stated that "[w]ireless providers cited security for their personnel, access and fuel as the most pressing needs and problems affecting restoration of wireless service" and that the loss of power in the wireline telephone network also had a huge impact on the

ability of public safety systems to function. The Katrina Panel noted that electric utility networks had a high rate of survivability following Hurricane Katrina due, in part, to the fact that they were built with significant onsite backup power supplies (batteries and generators). Although the Katrina Panel found that “the communications industry has generally been diligent in deploying backup batteries and generators and ensuring that these systems have one to two days of fuel or charge,” it also noted that not all locations had such backup batteries or generators installed and that, because all locations were not able to exercise and test the backup equipment in any systemic fashion, some generators and batteries did not function during the crisis. Although the power outages during and after Hurricane Katrina were exceptionally long, the Panel’s observations clearly emphasized the importance of power supply to resiliency of communications networks.

Taken together, the questions raised in the *NPRM* as well as the Katrina Panel Report’s findings regarding the lack of emergency power were sufficient to put interested parties on notice that the Commission was considering how to address the lack of emergency backup power, including through the possible adoption of an emergency backup power rule. Specifically, the *NPRM* sought comment on how the Commission could best encourage implementation of various NRIC best practices, including ensuring the availability of emergency backup power. Even if that language were not read to propose a mandatory rule, the *NPRM* still gave ample notice that this was a possibility. The *NPRM* specifically inquired about “whether [the Commission] should rely on voluntary consensus recommendations, as advocated by the [Katrina] Panel, or whether [it] should rely on other measures for enhancing readiness and promoting more effective response efforts,” a line of inquiry that the Commission reiterated in the July 26 public notice. Moreover, the DC Circuit has held that the ultimate adoption of a mandatory rule can constitute the logical outgrowth of a voluntary standard. Thus, because parties could have anticipated that the rule ultimately adopted was “possible,” it is considered a “logical outgrowth” of the original proposal, and there is no violation of the APA’s notice requirements.

Indeed, the Commission notes that the National Emergency Number Association (NENA) did propose a backup power requirement in response to the *NPRM*. In addition, St. Tammany Parish Communications District 1 told

the Commission that “[v]oluntary consensus measures * * * have fallen short many times” and that “it is imperative that [wireline] and wireless telephone providers be required to demonstrate they have adequate backup procedures in place.” Carriers also commented on the importance of having backup power. CTIA observed that wireless carriers “must ensure network reliability and reliance” and that, to do so, they “provision their cell sites and switches with batteries to power them when electrical grids fail” and “maintain permanent generators at all of the switches and critical cell sites, as well as an inventory of backup power generators to recharge the batteries during extended commercial power failures.” USTA likewise gave examples of telephone companies that had already deployed backup power capabilities that enabled their cell networks to remain in operation for several days after a loss of main power. In light of these comments, the Commission does not find credible the argument that the *NPRM* failed to apprise parties that the Commission would address the issue of backup power in this proceeding.

Petitioners’ argument that the Commission did not give adequate notice that it might select a specific durational requirement for emergency power, such as twenty-four or eight hours, also lacks merit. Had the Commission adopted a general backup power requirement that did not require a minimum amount of backup power, it would have risked creating an illogical and meaningless requirement that would have allowed providers to have only one minute of backup power. Thus, parties should have realized that an emergency backup power mandate would inevitably include a specific durational requirement.

Statutory Authority. PCIA asserts that section 1 of the Communications Act, the statutory authority under which the Commission adopted the backup power rule, is patently inadequate statutory authority. PCIA contends that section 1 of the Communications Act, as amended, (the “Act”) is only a general grant of jurisdiction that, absent other specific authority, does not authorize the Commission to impose requirements to maintain backup power at cell sites. PCIA argues that the Commission’s ancillary authority under section 1 of the Act does not empower it to act where such action would be “ancillary to nothing.”

The Commission’s section 1 ancillary jurisdiction covers circumstances where: (1) The Commission’s general jurisdictional grant under Title I covers the subject of the regulations, and (2)

the regulations are reasonably ancillary to the Commission’s effective performance of its statutorily mandated responsibilities. This two-part test for ancillary jurisdiction was developed by the Supreme Court in *Southwestern Cable*.

To fulfill the first prong of the ancillary jurisdiction test, the subject of the regulation must be covered by the Commission’s general grant of jurisdiction under Title I of the Communications Act, which encompasses “all interstate and foreign communication by wire or radio.” In the instant rule making, this first prong of the ancillary jurisdiction test is met because the backup power rule adopted by the Commission in the *Katrina Panel Order* pertains to the provisioning of “interstate and foreign commerce in communication by wire and radio.” The second prong of the ancillary jurisdiction test requires that the subject of the regulation must be reasonably ancillary to the Commission’s effective performance of its statutorily mandated responsibilities. It cannot seriously be disputed that the backup power requirement is “reasonably ancillary to the effective performance” of the Commission’s responsibilities to promote public safety. Section 1 itself makes clear that one of the Commission’s missions is to “make available * * * [a] wire and radio communication service with adequate facilities * * * for the purpose of *promoting safety of life and property* through the use of wire and radio communications.” 47 U.S.C. 151 (emphasis added). Section 1 thus requires the Commission to “consider public safety” and to “take into account its *duty* to protect the public.” *Nuvio Corp. v. FCC*, 473 F.3d 302, 307 (2006); see also *id.* at 311 (Kavanaugh, J., concurring) (“the FCC possesses statutory authority * * * to address the public safety threat by banning providers from selling voice services until the providers can ensure adequate 911 connections”). And as this Court has recognized, it is well “within the Commission’s statutory authority” to “‘make such rules and regulations * * * as may be necessary in the execution’” of its section 1 responsibilities.” Section 303(r) also provides ample authority to support the Commission’s action here. Section 303(r) provides that the Commission may “[m]ake such rules and regulations * * * as may be necessary to carry out the provisions of this Act.

The presence of a backup power source installed by all local exchange carriers (LECs), including incumbent LECs (ILECs) and competitive LECs

(CLECs), as well as commercial mobile radio service (CMRS) providers for all assets that are normally powered from local commercial power including those inside central offices, cell sites, remote switches and digital loop carrier system remote terminals will facilitate communication for the purposes of national defense and the promotion of "safety of life and property" during emergencies. Communications networks cannot operate without a power source. The Commission must therefore be mindful of an adequate power supply, particularly in emergencies, if it is to discharge its core responsibilities under section 1 of the Communications Act to regulate communications for the promotion of national defense, public safety and the protection of property. If commercially supplied power is incapacitated, the communications network will also fail. The backup power rule adopted by the Commission is a short-term attempt to sustain communication in a severe emergency for the purposes of promoting the Commission's salient purpose pursuant to section 1 to regulate interstate communications by wire and radio.

PCIA's reliance on the broadcast flag ruling by the U.S. Court of Appeals for the District of Columbia (Court) is misplaced. In that case, the Court found that the Commission had not satisfied the second prong of the ancillary jurisdiction test because the restriction on recording digital television programs that were transmitted by cable or over-the-air broadcast exceeded the Commission's authority to regulate the transmission of communications by wire and radio given that the restriction pertained to a regulation imposed outside the course of the act of transmitting the communication. In this case, by contrast, backup power is necessary for the communication to be transmitted at all.

Arguments Regarding Lack of Record Support, Consideration of Important Factors or Reasoned Basis for Rule. Petitioners contend that the backup power rule is arbitrary and capricious because the Commission failed to explain why a mandatory obligation including an inflexible minimum 8 or 24 hour period was necessary and why it rejected less restrictive alternatives to the rule, such as a voluntary best practices regime as recommended by the Katrina Panel. Several petitioners also allege that the Commission failed to consider the impact of the rule, failed to consider important aspects of the very problem it sought to redress, and failed to explain why present carrier preparedness plans are inadequate. Additionally, several petitioners argue

that the backup power rule adopted lacks record support.

Petitioners argue that there is no record evidence to support the backup power mandate in general, or the eight or 24-hour minimum in particular. Some petitioners note that the comments described in the Order when discussing the backup power rule do not concern CMRS providers at all, do not suggest any mandatory minimum standard, or have nothing to do with backup power. However, the rule adopted by the Commission enjoyed strong factual support. First, as described *supra*, the Katrina Panel repeatedly emphasized the importance of power supply to resiliency of communications networks. Further, it noted that backup generators and batteries were not present at all facilities. Additionally, the Katrina Panel Report stated that power for radio base stations and battery/chargers for portable radio devices are carefully planned for public safety systems; however, "generators are typically designed to keep base stations operating for 24 to 48 hours." This language, along with the Katrina Panel's recognition that 24–48 hours is generally a sufficient time to permit the restoration of power in most situations, clearly provides support for requiring LECs and CMRS providers to maintain backup power for a minimum of 24 hours for assets located inside central offices. The 24 hour requirement imposes relatively less burden while still generally providing sufficient time for restoration of commercial power or for carriers to allocate additional power sources. Further, the Commission recognized the burdens of ensuring longer durations of backup power at other locations, which have subsequently been detailed by petitioners, and reasonably required only 8 hours of backup power for such locations, including, but not limited to, cell sites, remote switches and digital loop carrier system remote terminals. This will provide at least eight hours for commercial power restoration or carrier actions to obtain additional backup power sources.

Additionally, the Katrina Panel's recommendation was that the Commission encourage the implementation of the NRIC VII Recommendation 7–7–5204. That recommendation states that "[s]ervice providers, network operators and property managers should ensure availability of emergency/backup power * * *". The terms "service providers" and "network operators" clearly include CMRS providers. In the *Katrina Panel Order*, the Commission noted that NENA recommended that "the FCC or

state commissions, as appropriate, require all telephone central offices to have an emergency backup power source." NENA states that, in its comments in the Katrina Panel Docket, it chose to mention telephone central offices as emblematic, not exhaustive, of critical switching points in wire and wireless networks, and it also endorsed the broader scope of NRIC Recommendation 7–7–5204.

The Commission determined that a mandatory backup power requirement would be in the public interest. Although several carriers described their backup power plans, the Katrina Panel Report made clear the importance of backup power for resilient communications and restoration of communications services that have been disrupted. The report further made clear that, although many carriers do have backup power or backup power plans, not all locations have backup power. The Katrina Panel also noted that because those communications providers did not necessarily test and exercise their backup power sources in a systematic fashion, generators and batteries might not function during the crisis. Imposing a backup power rule would ensure that more communications assets have backup power and that providers ensure the availability of this power. Access to communications technologies during times of emergency is critical to the public, public safety personnel, hospitals, and schools, among others. Therefore, because the benefits of ensuring resilient communications during times of crises are so great, the Commission determined that a backup power rule was in the public interest. Moreover, it is important that both LEC and CMRS providers have backup power, because the public, public safety personnel, and hospitals, among others, rely heavily on both types of providers. In fact, many Americans now rely on only a wireless phone and public safety entities, hospitals and others are increasingly relying on wireless technologies. As the Katrina Panel Report and commenters note, lack of commercial power was one of the main causes of wireless outages during Hurricane Katrina, access to fuel was one of the wireless providers' most pressing needs during that catastrophe, and it is important that both wireless and wireline carriers ensure network reliability and resiliency by provisioning their sites with back up power.

Petitioners also allege that the Commission failed to consider burdens and important matters, some of which affect the ability of carriers to comply

with the rule. They contend that legal impediments, including contractual obligations and inconsistency with federal, state and local environmental, safety, building and zoning laws will make compliance with the rule difficult, if not impossible and could result in preemption issues regarding state and local laws. Petitioners note that carriers have site leases with contractual obligations that regulate the placement, installation and operation of power sources. Additionally, petitioners assert that compliance with the backup power rule could result in threats to public health and safety. For instance, petitioners state that the installation of a generator and its combustible fuel on the roof of a school or public building, where many transmitters are located, may pose a risk to public health and safety even when in compliance with law. Further, petitioners assert that the Commission failed to properly consider the length of time it would reasonably take for providers to comply with the rule. They contend that compliance will take a significant amount of time and the time allowed by the *Katrina Panel Order* is insufficient, because providers must obtain permits, do site inspections, conduct structural engineering analysis, renegotiate leases, obtain permits, ensure compliance with legal requirements, evaluate backup power needs, and order and install the necessary equipment. Petitioners also assert that compliance will take time because thousands of "non-critical" sites do not have backup power and many of the sites that do have backup power do not have the amount required. As discussed in greater detail below, petitioners also argue that physical and other practical limitations make it difficult or impossible to comply with the backup power rule. Finally, petitioners argue that the Commission did not adequately consider the economic burden the rule will impose.

The Commission finds that Petitioners' arguments regarding legal impediments and threat to public health and safety to be compelling and modify § 12.2 to state that LECs and CMRS providers are not required to meet the backup power requirement if they demonstrate, through the reporting requirement described below, that such compliance is precluded by: (1) Federal, state, tribal or local law; (2) risk to safety of life or health; or (3) private legal obligation or agreement. With respect to private legal obligations or agreements, LECs and CMRS providers should make efforts to revise agreements to enable rule compliance where possible, for example through renegotiations or

renewals. Obviously, the Commission will disapprove of attempts to circumvent the rule through private agreements. The Commission believes such exemptions are warranted because those impediments create a substantial burden for LECs and CMRS providers to overcome in order to comply with the rule that in some cases may be insurmountable. In the case of risk to safety of life or health, such an exemption is obviously in the public interest. As noted, *supra*, some petitioners assert that the Commission should clarify that the backup power rule applies only to assets directly related to the provision of critical communications services. The Commission agrees that the requirement should be clarified to apply only to assets necessary to the provision of communications services and modify the rule accordingly. The Commission declines, however, to limit the rule to "critical" communications services, because, although that term was included in the NRIC best practice recommended by the Katrina Panel, it is not well defined and the Commission believes, for public safety and public interest reasons, all assets necessary to the provision of communications services should have backup power. The Commission also agrees with AT&T that on-site power sources satisfy the requirement of this rule if such sources were originally designed to provide the minimum backup power capacity level required herein and the provider has implemented reasonable methods and procedures to ensure that batteries are regularly checked and replaced when they deteriorate. Finally, the Commission finds that the requirement should not be limited to assets normally powered from local "AC" commercial power. Regardless of the type of commercial power used, assets necessary to maintain communications should have backup power and be as reliable and resilient as possible. The Commission also notes that the NRIC best practice recommended by the Katrina Panel did not limit its recommendation in this way. Accordingly, the Commission deletes the reference to "AC" in the rule.

While today the Commission addresses concerns raised by LECs and CMRS providers regarding their obligation to ensure emergency backup power, given the importance of backup power reserves during times of emergency, the Commission will seek information regarding the extent to which LECs and CMRS providers are in compliance with this rule. Accordingly, the Commission also modifies § 12.2 to

require LECs and CMRS providers to file reports with the Commission that identify the following information: (1) An inventory listing of each asset that was designed to comply with the backup power mandate; (2) an inventory listing of each asset where compliance is precluded due to risk to safety or life or health; (3) an inventory listing of each asset where compliance is precluded by private legal obligation or agreement; (4) an inventory listing of each asset where compliance is precluded by Federal, state, tribal or local law; and (5) an inventory listing of each asset designed with less than the required emergency backup power capacity and that is not otherwise precluded from compliance for one of the three reasons identified above. LECs and CMRS providers must file these reports within six months of the effective date of this requirement, and must include a description of facts supporting the basis of the LECs or CMRS provider's claim of preclusion from compliance. For example, claims that a LEC or CMRS provider cannot comply with the backup power mandate due to a legal constraint must include the citation(s) to the relevant laws and, in order to be deemed precluded from compliance, the law or other legal constraint must prohibit the LEC or CMRS provider from complying with the backup power requirement. The mere need to obtain a permit or other approval will not be deemed to preclude compliance with the backup power requirement. Claims that a LEC or CMRS provider cannot comply with the backup power mandate with respect to a particular asset due to a private legal obligation or agreement must include the relevant terms of the obligation or agreement and the dates on which the relevant terms of the agreement became effective and are scheduled to expire. Claims that a LEC or CMRS provider cannot comply with the backup power mandate with respect to a particular asset due to risk to safety of life or health must include a description of the particular public safety risk and sufficient facts to demonstrate substantial risk of harm. The Commission directs the Public Safety and Homeland Security Bureau to develop an appropriate auditing program to ensure that carriers' exclusion filings are reasonable and accurate.

LECs or CMRS providers identifying assets designed with less than the required emergency backup power capacity and not otherwise precluded from compliance for one of the three reasons listed above must comply with

the backup power requirement or file, within 12 months from the effective date of the rule, a certified emergency backup power compliance plan that is subject to Commission review. That plan must describe how, in the event of a commercial power failure, the LEC or CMRS provider intends to provide emergency backup power to 100 percent of the area covered by any non-compliant asset, relying on on-site and/or portable backup power sources or other sources as appropriate. The emergency backup power must be sufficient for service coverage as follows: A minimum 24 hours of emergency backup power for assets inside central offices and eight hours for other assets such as cell sites, remote switches, and digital loop carrier system remote terminals. The provider must be able to ensure backup power is available for 100 percent of the area covered by any non-compliant asset pursuant to the emergency backup power compliance plan on the date that the plan is filed. All reports and plans required by § 12.2 of the Commission's rules will be automatically afforded confidentiality, because the information in those reports and plans is sensitive, for both national security and/or commercial reasons. This reporting requirement should not be burdensome in light of many LEC and CMRS provider arguments that they already have business continuity plans that address the issue of backup power and in light of the fact that the plan is not due until 12 months after the effective date of the modified rule which will require Office of Management and Budget approval before going into effect. In any event such burdens are outweighed by the importance of having backup power for communications assets.

Petitioners argue that the Commission failed to consider the length of time it would reasonably take for CLECs and CMRS providers to comply with the rule and that it will take significant time to evaluate backup power needs, conduct structural engineering analyses, renegotiate leases if needed, prepare necessary applications for permits and other authorizations, ensure compliance with all applicable building codes and environmental regulations, coordinate with counsel, architects, construction personnel and government officials, order and receive the necessary equipment, and properly install the backup power source. The Commission notes that the *Katrina Panel Order* was released on June 8, 2007, almost four months ago, and LECs and CMRS providers have known of the backup power requirement since that time.

Further, the modified backup power rule adopted in the Order on Reconsideration will not go into effect until OMB approves the new information collection, giving providers additional time to come into compliance. To the extent LECs and CMRS providers identify non-compliant assets, they will receive even more time to file emergency backup power compliance plans. In addition, the modifications to the rule mitigate these concerns by exempting assets from compliance when precluded by law, private legal obligation or agreement, or risk to safety of life or health and by allowing an emergency backup power compliance plan in cases where assets do not comply with the 8–24 hour rule and are not subject to the exceptions. As such, the Commission believes that it will be feasible for providers to comply with the rule.

Several petitioners argue that compliance with the backup power rule is burdensome due to physical and other practical limitations, that the required space might not be available at many sites, and that providers may be forced to modify structures containing cell transmitters or to build new structures. They assert, for example, that roofs and floors need to be designed to support the weight of power sources, that many rooftop cell sites were not engineered with the additional weight requirements made necessary by the backup power rule, and that many of those structures may simply not be able to physically support the weight of additional batteries or a generator. Petitioners also argue that there is not enough space at many cell sites to add additional backup power sources and note that cell transmitters are often placed in locations with limited room, such as building rooftops, church steeples and inside buildings. USTelecom notes that some remote terminals are physically too small to support a backup battery or a battery over a certain size. T-Mobile reports that, in the case of liquid propane-fueled generators, Occupational Safety and Health Administration requirements mandate a 10-foot radius clearance between the liquid propane fuel tank and its ignition source. T-Mobile argues that this could substantially increase the amount of space needed to install a backup power source.

The Commission is not convinced that LECs and CMRS providers should be excused from having emergency backup power solely because they have chosen to place their assets at locations with limited weight or space capacities. The ultimate goal of this rule is to

ensure that carriers have sufficient emergency backup power, particularly during times of emergencies. The Commission recognizes that, in order to comply with the rule, some carriers may have to modify sites to accommodate additional equipment or, in some cases, find other, more suitable, locations for their assets. The Commission believes, however, that any such burdens are far outweighed by the ultimate goal of this rule. For similar reasons, the Commission also rejects the notion that carriers should be excused from complying with the rule for vague “practical” reasons. Having said this, however, a carrier could be excused from the rule to the extent that the carrier can demonstrate that an asset with purported physical constraints fall into one of the three exceptions listed above. Additionally, where assets do not comply with the 8–24 hour rule and are not subject to the exceptions, the Commission now allows an emergency backup power compliance plan.

Although petitioners argue that the economic burden that the backup power rule will impose is substantial, the record before the Commission showed that several carriers have already deployed back-power power capabilities, some of which allow them to remain in operation for several days in the event of a loss of main power. In any event, the Commission finds that the benefits of ensuring sufficient emergency backup power, especially in times of crisis involving possible loss of life or injury, outweighs the fact that carriers may have to spend resources, perhaps even significant resources, to comply with the rule. Petitioners assert that compliance may be costly; however, the record does not show that it is “cost-prohibitive” for carriers. Moreover, the rule modifications, including new exemptions described above and the provision that providers file an emergency backup power compliance plan to ensure 100 percent coverage in areas covered by non-compliant assets, will decrease any economic burden substantially. Finally, the Commission finds that the goal of ensuring that carriers' networks have sufficient emergency backup power outweighs the economic burden described by petitioners and particularly the reduced economic burden in light of the rule modifications adopted herein. The need for backup power in the event of emergencies has been made abundantly clear by recent events, and the cost of failing to have such power may be measured in lives lost.

Some Petitioners argue that, contrary to the ultimate goal of protecting the

provision of services, the backup power rule will not advance, but will actually risk undermining carriers' emergency preparedness goals and efforts to achieve important business continuity and disaster recovery goals. Petitioners contend that the rule deprives carriers of the flexibility necessary to make intelligent and efficient plans for network resiliency as well as giving carriers the flexibility to respond to disasters in real time while remaining in compliance with the Commission's rules. Petitioners assert that, by diverting manpower and resources away from more appropriate efforts to tailor emergency communications plans, and by denying carriers the ability to move resources away from areas not impacted to those that have been impacted, the rule undermines rather than promotes the important goal of public safety.

The Commission recognizes that carriers need some level of flexibility in the design and deployment of their networks. This need, however, must be balanced with the critical goal of ensuring that communications networks has sufficient backup power, particularly during times of disaster. The modifications made today strike a fair and equitable balance of these two interests. The modified rule adopted today will ensure that LECs, including ILECs and CLECs, as well as CMRS providers maintain sufficient level of emergency backup power for assets that are necessary to maintain communications and that are normally maintained by commercial power. At the same time, the modifications adopted in the Order on Reconsideration provide some level of flexibility, both in terms of the exceptions provided and the requirements for submission of an emergency backup power compliance plan in cases where providers are not compliant. Moreover, inclusion of on-site back up power does not preclude the ability of carriers to maintain strategic stores of fuel, batteries or other backup equipment in other localities as a further layer of redundancy. Petitioners argue that enforcement could also lead to the termination or disruption of wireless cell sites, threatening the availability of service, including E-911 service. Petitioners further contend that carriers may have little choice but to shut down or move certain transmitters rather than risk operating in violation of the new rule or endangering public health and safety. NENA disagrees and contends that these arguments suggest that cellular providers should be immune from any disruptive regulatory discipline. The

Commission believes that the exemptions now provided along with the requirement to develop an emergency backup power compliance plan in cases where assets do not comply with the 8-24 hour rule and are not subject to the exceptions described herein will mitigate these concerns.

Paging Carriers. The American Association of Paging Carriers (AAPC) argues that the Commission did not intend to apply the backup power rule to paging carriers and should so clarify. Alternatively, AAPC asserts that, if the Commission did intend for this rule to apply to paging carriers, the Commission should reconsider and exclude paging carriers or instead adopt the Katrina Panel's actual recommendation on this issue, as set forth in the Katrina Panel Report. The backup power rule adopted in the *Katrina Panel Order* requires commercial mobile radio service (CMRS) providers to have emergency backup power. CMRS providers that have no more than 500,000 subscribers are exempt from this rule. Therefore, paging carriers that are CMRS providers with more than 500,000 subscribers must comply with the rule. Paging services are a critical part of emergency response. Many first responders, hospitals and critical infrastructure providers rely on paging services during emergencies. Therefore, it is critical that these services be available during crises. Backup power at paging carrier facilities will help ensure the availability of these services. The importance of paging services is further demonstrated by the fact that paging carriers participate in the Commercial Mobile Service Alert Advisory Committee and are subject to the Commission's part 4 outage reporting rules. For these reasons and those set forth below, the Commission modifies § 12.2 to clarify that the rule applies to CMRS providers, *as defined in Section 20.9 of the Commission's rules.*

AAPC argues that the Commission intended to exclude paging carriers from this backup power rule. AAPC asserts that the *Katrina Panel Order* bases the CMRS classification in § 12.2 on a definition developed for the *E-911 Proceeding* and, because paging carriers do not provide E-911 service, the inference is that the Commission intended to exclude paging carriers from this rule. The parts of the *Katrina Panel Order* cited by AAPC, however, do not define CMRS providers, but instead provide an exemption for non-nationwide CMRS providers with no more than 500,000 subscribers. In a footnote, the Commission merely stated that this exemption is based on the Tier

III CMRS definition. AAPC contends that the etymology of the backup power rule supports a finding that the Commission intended to exclude paging carriers and to apply the rule only to entities that are required to provide E-911 service as defined in Section 20.18 of the Commission's rules. AAPC notes that the Katrina Panel made its backup power recommendation "in order to ensure a more robust E-911 service" and that, when requesting public comment on this recommendation, the Commission explained that the Panel "recommends that the Commission encourage the implementation of certain NRIC best practices intended to promote the reliability and resiliency of the 911 and E911 architecture." However, the backup power rule includes no such limitations and, in the *NPRM*, the Commission specifically sought comment on whether the Katrina Panel's observations warranted additional measures or steps beyond the report's specific recommendations and welcomed suggestions and recommendations regarding additional measures or actions beyond the Panel's recommendations. The Commission also sought comment on whether it should rely on voluntary consensus recommendations, as advocated by the Katrina Panel, or whether it should rely on other measures for enhancing readiness and promoting more effective response efforts. Further, AAPC argues that the deliberate use of the term "cell sites" in the rule supports the conclusion that the Commission did not intend that the rule apply to paging carriers because paging carriers do not operate cell sites in their networks. The reference to cell sites, however, is only one example of an asset that is normally powered from local commercial power and the assets identified in the rule are not an exhaustive list.

AAPC requests, in the event that the Commission did intend to apply the backup power rule to paging carriers, that the rule be modified to ensure that it does not apply to paging carriers. AAPC argues that it is unreasonable to lump paging networks together with other types of CMRS networks for purposes of this rule without considering the particular engineering and cost characteristics of paging networks themselves. Although AAPC argues that applying the requirement to all paging base stations and terminals would be particularly troubling for paging carriers, the burden will be mitigated by the rule modifications adopted herein. Additionally, the burden for paging carriers would not necessarily be any more onerous for

paging carriers than for other CMRS providers. Paging providers use a variety of facilities to provide coverage which are, in most cases not that different from the facilities of other CMRS providers. The fill-in facilities employed by paging providers are similar in size and power requirements as those used by other CMRS providers. In many instances, paging providers use high-powered transmitters that are located in multiple transmitter sites. While there may be challenges to overcome such as space, zoning and structural limitations for these facilities, they are no more onerous than those faced by other CMRS providers. In addition, the backup power rule might be less burdensome for paging carriers than for other CMRS providers, because the number of fill-in paging sites that paging carriers deploy is likely less than the more extensive deployment of assets required by other CMRS providers. AAPC asserts that the Commission should define CMRS as those services that are identified in § 20.18(a) of the Commission's rules, as it did for purposes of section 605(a) of the WARN Act, where the Commission defined the statutory phrase "commercial mobile service." That definition, however was limited to section 605(a) of the WARN Act and was done for specific purposes of that section of the Act that are not relevant to the backup power rule. Further, the membership of the Commercial Mobile Service Alert Advisory Committee established pursuant to the WARN Act includes paging carriers. In light of these factors, the Commission declines to modify the rule as suggested by AAPC, and clarify that paging carriers are required to comply.

Distributed Antenna System (DAS) Nodes and other non-traditional sites. NextG, MetroPCS and other petitioners ask the Commission to clarify that DAS Nodes and other "non-traditional" sites, such as cellular repeater sites, micro-cell and pico-cell locations, electric poles, light poles, and flagpoles, are not "cell sites" as the term is used in the Commission's new backup power rule. In the alternative, these petitioners request that the Commission reconsider and amend the rule to eliminate the backup power requirement for DAS Nodes and other "non-traditional" sites. Other petitioners make similar arguments for "non-traditional" sites and emphasize the burden of complying with the backup power rule due to physical constraints and economic resources. NextG explains that it provides telecommunications services to wireless carriers via a network

architecture that uses fiber-optic cable and small antennas mounted in the public rights-of-way on infrastructure such as utility poles, street lights and traffic signal poles. NextG argues that DAS Nodes should not be treated as a cell site because the DAS Node does not include some of the features typically associated with a cell site. The antenna is not associated with a base station or network switching equipment at the DAS Node site. NextG and MetroPCS maintain that even if the Commission does treat the DAS Node as a cell site this equipment should be exempt from the backup power rule because it is "technologically, financially, and politically infeasible" to install eight hours of backup power. DAS Forum argues that the impact due to the loss of power to a portion of a DAS network is far less than the loss of power to a traditional cell site because the balance of the DAS network continues to function when one node is damaged.

The Commission declines to exempt DAS Nodes or other sites from the emergency backup power rule. Rather, the Commission believes that to the extent these systems are necessary to provide communications services, they should be treated similarly to other types of assets that are subject to the rule. The Commission notes that many of the arguments made by petitioners are similar to the physical constraint arguments raised by other parties. As stated earlier, the Commission sees no reason why LECs and CMRS providers who choose to place assets at locations with limited physical capacities should generally be excused from compliance with the rule. The Commission realizes that many providers have begun to use DAS and other small antenna systems as part of their communications networks. That fact alone, however, is far outweighed by the need to ensure a reliable communications network. To the extent petitioners raise concerns regarding legal impediments, private agreement constraints and safety risk issues, the Commission notes that the modifications to the rule made today should address those concerns. DAS Forum and PCIA argue that the backup power rule will adversely impact the public interest and Commission policy goals, because the increased expense of compliance will prevent wireless carriers from further deploying their networks in this manner and that this will decrease capacity, coverage and reliability and affect emergency communications and wireless E911 coverage. Petitioners have not presented sufficient evidence that the backup power rule will prevent wireless carriers

from deploying their networks, particularly in light of the reduced burden of compliance that will result from the rule modifications the Commission adopts in the Order on Reconsideration. Moreover, as noted above, the Commission finds that the benefits of ensuring backup power for communications assets outweighs any economic burden that LECs and CMRS providers may incur as a result of this rule.

Conclusion

For the reason stated above, the Commission denies petitioners' requests that it rescind § 12.2 of the Commission's rules, but find that the petitioners have presented an adequate basis for modifying this backup power rule as detailed above and in Appendix B of the Order.

Procedural Matters

Supplemental Final Regulatory Flexibility Analysis. As required by section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 604, the Commission has prepared a Supplemental Final Regulatory Flexibility Analysis of the possible impact of the rule changes contained in this Order on Reconsideration on small entities. The Supplemental Final Regulatory Flexibility Act analysis is set forth in Appendix C of the Order. The Commission's Consumer & Government Affairs Bureau, Reference Information Center, will send a copy of this Order, including the Supplemental Final Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Final Paperwork Reduction Act of 1995 Analysis. The rules in 47 CFR 12.2 contains information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

Congressional Review Act Analysis. The Commission will send a copy of this Order on Reconsideration in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

Accordingly, *it is ordered*, pursuant to sections 1, 4(i)–(k), 4(o), 201, 218, 219, 301, 303(g), 303(j), 303(r), 332, 403, 405, 621(b)(3) and 621(d) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(k), 154(o), 201, 218, 219, 301, 303(g), 303(j), 303(r), 332, 403, 405, 541(b)(3), and

541(d), and §§ 1.3 and 1.106 of the Commission's rules, 47 CFR 1.3, 1.106, that this Order on Reconsideration in EB Docket No. 06-119 and WC Docket No. 06-63 is adopted.

It is further ordered, that the Petitions for Reconsideration filed by The American Association of Paging Carriers, the DAS Forum, MetroPCS Communications, Inc., NextG Networks, Inc., PCIA—The Wireless Infrastructure Association (PCIA), and The United States Telecom Association are granted to the extent discussed above, and the remainder of those petitions are denied.

It is further ordered that § 12.2 of the Commission's rules is amended as specified in Appendix B of the Order, and that § 12.2 shall be effective on the date of **Federal Register** notice announcing OMB approval of the information collection requirements contained in that rule.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this Order on Reconsideration, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 12

Communications, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

Rule Changes

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 12 as follows:

PART 12—REDUNDANCY OF COMMUNICATIONS SYSTEMS

■ 1. The authority citation for part 12 continues to read:

Authority: 47 U.S.C. 151, 154(i)–(k), 154(o), 201, 218, 219, 301, 303(g), 303(j), 303(r), 332, 403, 405, 541(b)(3), and 541(d).

■ 2. Revise § 12.2 to read as follows:

§ 12.2 Backup power.

(a) Except to the extent set forth in 12.2(b) and 12.2(c)(4) of the Commission's rules, local exchange carriers, including incumbent local exchange carriers and competitive local exchange carriers (collectively, LECs), and commercial mobile radio service (CMRS) providers, as defined in § 20.9 of this chapter, must have an emergency backup power source (*e.g.*, batteries, generators, fuel cells) for all assets

necessary to maintain communications that are normally powered from local commercial power, including those assets located inside central offices, cell sites, remote switches and digital loop carrier system remote terminals. LECs and CMRS providers must maintain emergency backup power for a minimum of twenty-four hours for assets that are normally powered from local commercial power and located inside central offices, and eight hours for assets that are normally powered from local commercial power and at other locations, including cell sites, remote switches and digital loop carrier system remote terminals. Power sources satisfy this requirement if they were originally designed to provide the minimum backup power capacity level required herein and the provider has implemented reasonable methods and procedures to ensure that the power sources are regularly checked and replaced when they deteriorate. LECs that meet the definition of a Class B company as set forth in § 32.11(b)(2) of this chapter and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this rule.

(b) LECs and CMRS providers are not required to comply with paragraph (a) of this section for assets as described in paragraph (a) of this section where the LEC or CMRS provider demonstrates, through the reporting requirement as described in paragraph (c) of this section, that such compliance is precluded by:

- (1) Federal, state, tribal or local law;
- (2) Risk to safety of life or health; or
- (3) Private legal obligation or agreement.

(c) Within six months of the effective date of this requirement, LECs and CMRS providers subject to this section must file reports with the Chief of the Public Safety & Homeland Security Bureau.

(1) Each report must list the following:

- (i) Each asset that was designed to comply with the applicable backup power requirement as defined in paragraph (a) of this section;
- (ii) Each asset where compliance with paragraph (a) of this section is precluded due to risk to safety of life or health;
- (iii) Each asset where compliance with paragraph (a) of this section is precluded by a private legal obligation or agreement;
- (iv) Each asset where compliance with paragraph (a) of this section is precluded by Federal, state, tribal or local law; and
- (v) Each asset that was designed with less than the emergency backup power

capacity specified in paragraph (a) of this section and that is not precluded from compliance under paragraph (b) of this section.

(2) Reports listing assets falling within the categories identified in paragraphs (c)(1)(ii) through (iv) of this section must include a description of facts supporting the basis of the LEC's or CMRS provider's claim of preclusion from compliance. For example, claims that a LEC or CMRS provider cannot comply with this section due to a legal constraint must include the citation(s) to the relevant law(s) and, in order to demonstrate that it is precluded from compliance, the provider must show that the legal constraint prohibits the provider from compliance. Claims that a LEC or CMRS provider cannot comply with this section with respect to a particular asset due to a private legal obligation or agreement must include a description of the relevant terms of the obligation or agreement and the dates on which the relevant terms of the agreement became effective and are set to expire. Claims that a LEC or CMRS provider cannot comply with this section with respect to a particular asset due to risk to safety of life or health must include a description of the safety of life or health risk and facts that demonstrate a substantial risk of harm.

(3) For purposes of complying with the reporting requirements set forth in paragraphs (c)(1)(i) through (v) of this section, in cases where more than one asset necessary to maintain communications that are normally powered from local commercial power are located at a single site (*i.e.*, within one central office), the reporting entity may identify all of such assets by the name of the site.

(4) In cases where a LEC or CMRS provider identifies assets pursuant to paragraph (c)(1)(v) of this section, such LEC or CMRS provider must comply with the backup power requirement in paragraph (a) of this section or, within 12 months from the effective date of this rule, file with the Commission a certified emergency backup power compliance plan. That plan must certify that and describe how the LEC or CMRS provider will provide emergency backup power to 100 percent of the area covered by any non-compliant asset in the event of a commercial power failure. For purposes of the plan, a provider may rely on on-site and/or portable backup power sources or other sources, as appropriate, sufficient for service coverage as follows: a minimum of 24 hours of service for assets inside central offices and eight hours for other assets, including cell sites, remote switches, and digital loop carrier system remote

terminals. The emergency backup power compliance plans submitted are subject to Commission review.

(5) Reports submitted pursuant to this paragraph must be supported by an affidavit or declaration under penalty of perjury and signed and dated by a duly authorized representative of the LEC or CMRS provider with personal knowledge of the facts contained therein.

(6) Information filed with the Commission pursuant to paragraph (c) of this section shall be automatically afforded confidentiality in accordance with the Commission's rules.

(7) LECs that meet the definition of a Class B company as set forth in § 32.11(b)(2) of this chapter and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this reporting requirement.

[FR Doc. E7-20061 Filed 10-10-07; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 02-08; FCC 02-152]

Public Safety 700 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission (Commission) announces that a certain rule adopted in its Public Safety 700 MHz Band proceeding (WT Docket No. 02-08; FCC 02-152) in 2002, to the extent it contained an information collection requirement that required approval by the Office of Management and Budget (OMB) was approved, and became effective January 31, 2006, following approval by OMB.

DATES: The effective date for the final rule published on June 20, 2002 (67 FR 41847) revising 47 CFR 90.176 is January 31, 2006.

FOR FURTHER INFORMATION CONTACT: Carol Simpson, Public Safety and Homeland Security Bureau, at (202) 418-2391, or Jerry.Cowden@fcc.gov.

SUPPLEMENTARY INFORMATION:

1. On May 16, 2002 the Commission adopted a Report and Order (R&O) in WT Docket No. 02-08; FCC 02-152, a summary of which was published at 67 FR 41847 Q2 (June 20, 2002). In that R&O, the Commission stated that, upon OMB approval, it would publish in the **Federal Register** a document announcing the effective date of the change to 47 CFR 90.176.

2. On January 31, 2006, OMB approved the public information collection associated with this rule change under OMB Control No. 3060-0783. Therefore, the change to 47 CFR 90.176 became effective on January 31, 2006.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7-19441 Filed 10-10-07; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032-7032-01]

RIN 0648-XD26

Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for groundfish by vessels using trawl gear in the Gulf of Alaska (GOA), except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This closure also does not apply to fishing by vessels participating in the cooperative fishery in the Rockfish Pilot Program for the Central GOA. This action is necessary to prevent exceeding the 2007 Pacific halibut prohibited species catch (PSC) limit specified for trawl gear in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 8, 2007, through 2400 hrs, A.l.t., December 31, 2007.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2007 Pacific halibut PSC limit for vessels using trawl gear was established as 2,000 metric tons by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007).

The Administrator, Alaska Region, has determined, in accordance with § 679.21(d)(7)(i), that the 2007 Pacific halibut PSC limit allocated to vessels using trawl gear in the GOA will soon be reached. Therefore, NMFS is prohibiting directed fishing for groundfish by vessels using trawl gear in the GOA, except for directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. This closure also does not apply to fishing by vessels participating in the cooperative fishery in the Rockfish Pilot Program for the Central GOA.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay closing directed fishing for groundfish by vessels using trawl gear in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 4, 2007.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 5, 2007.

Alan D. Risenhoover

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 07-5017 Filed 10-5-07; 1:20 pm]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 72, No. 196

Thursday, October 11, 2007

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

8(a) Business Development Program Regulation Changes; Tribal Consultation

AGENCY: U.S. Small Business Administration.

ACTION: Notice of tribal consultation meeting.

SUMMARY: The U.S. Small Business Administration (SBA) announces that it is holding a tribal consultation meeting in Fairbanks, Alaska on the topic of the 8(a) Business Development (BD) program regulations. Testimony presented at this tribal consultation meeting will become part of the administrative record for SBA's consideration when the Agency deliberates on approaches to changes in the regulations pertaining to the 8(a) BD program.

DATES: The Tribal Consultation meeting date is October 24, 2007, 9 a.m. to 4 p.m. (ATZ), Fairbanks, Alaska. The Tribal Consultation meeting pre-registration deadline date is October 17, 2007.

ADDRESSES:

1. The Tribal Consultation meeting address is Pioneer Park, the Alaska Centennial Center for the Arts, 2300 Airport Road, Fairbanks, AK 99701.

2. Send pre-registration requests to attend and/or testify to Ms. Delcine Montgomery of SBA's Office of Native American Affairs, U.S. Small Business Administration, 409 Third Street, Washington, DC 20416; or *Delcine.Montgomery@SBA.gov*; or Facsimile to 202/481-1597.

3. Send all written comments to Mr. Joseph Loddo, Associate Administrator

for Business Development, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416; *Joseph.Loddo@SBA.gov*; or Facsimile to 202/481-2740.

FOR FURTHER INFORMATION CONTACT:

Delcine Montgomery, Business Development Specialist for SBA's Office of Native American Affairs, at *Delcine.Montgomery@SBA.gov* or 202/205-6195 or by facsimile 202/481-1597.

SUPPLEMENTARY INFORMATION:

Background

SBA is in the process of reassessing its rules relating to the 8(a) BD program, particularly those directly affecting tribally-owned and ANC-owned 8(a) firms. 13 CFR 124.506, 124.513, and 124.519. Part of SBA's analysis pertains to a recent report issued by the Government Accountability Office (GAO) titled "Increased Use of Alaska Native Corporations' Special 8(a) Provisions Calls for Tailored Oversight" (GAO-06-399). This GAO report concluded that SBA needs to tailor its regulations and policies to provide greater oversight over its ANCs' 8(a) procurements. GAO determined that without sufficient oversight, there is the potential for unintended consequences or abuse.

In response, SBA is considering regulatory changes to the 8(a) BD program to address the issues and concerns raised in the report, particularly those relating to ANC and tribal participation in the 8(a) BD mentor/protegé program. It is SBA's intent that any changes contemplated and instituted will incorporate the business development intent and mission of the 8(a) BD program as established by the Small Business Act. This notice provides information for the purpose, format, scheduling, and registration for the tribal consultation meeting.

Tribal Consultation Meeting

The purpose of this tribal consultation meeting is to conform to the requirements of Executive Order 13175,

Tribal Consultations; to provide interested parties with an opportunity to discuss their views on the issues; and for SBA to obtain the views of these SBA's stakeholders on approaches to the 8(a) BD program regulations. SBA considers tribal consultation meetings a valuable component of its deliberations and believes that this tribal consultation meeting will allow for constructive dialogue with the tribal community, Tribal Leaders, Elders and elected members of Alaska Native Villages or their appointed representatives.

The format will consist of a panel of SBA representatives who will represent the Agency and moderate the discussions. Oral and written testimony will become part of the record for SBA's consideration. Written testimony may be submitted in lieu of oral testimony. SBA will analyze the testimony, both oral and written, along with any written comments received. SBA officials may ask questions of a presenter to clarify or further explain the testimony. The purpose of the tribal consultation meeting is to assist SBA with gathering information to potentially develop new proposals. SBA respectfully requests that the testimony focus on the issues as discussed in the GAO report, general issues as they pertain to the 8(a) BD program regulations and the mentor protégé program, or the unique concerns of the tribal communities. SBA respectfully requests that presenters do not raise issues pertaining to other SBA small business programs. Presenters may provide a written copy of their testimony. SBA will accept written material that the presenter wishes to provide that further supplements his or her testimony. Electronic or digitized copies are encouraged.

The tribal consultation meeting will be held for one day. The meeting will begin at 9 a.m. and end at 4 p.m. (ATZ), with a break from 12 p.m. to 1 p.m. SBA will adjourn early if all those scheduled have delivered their testimony.

VENUE INFORMATION

Location	Address	Date	Registration closing date
Fairbanks, Alaska	Pioneer Park, The Alaska Centennial Center for the Arts, 2300 Airport Road Fairbanks, AK 99701.	October 24, 2007	October 17, 2007.

Registration

SBA respectfully requests that any elected or appointed representative of the tribal communities that are interested in attending please pre-register in advance and indicate whether you would like to testify at the hearing. Registration requests should be received by SBA at least 5 business days prior to the tribal consultation meeting date. Please contact Ms. Delcine Montgomery of SBA's Office of Native American Affairs in writing at Delcine.Montgomery@SBA.gov or by facsimile to 202/481-1597. If you are interested in testifying please include the following information relating to the person testifying: Name, Organization affiliation, Address, Telephone number, E-mail address and Fax number. SBA will attempt to accommodate all interested parties that wish to present testimony. Based on the number of registrants it may be necessary to impose time limits to ensure that everyone who wishes to testify has the opportunity to do so. SBA will confirm in writing the registration of presenters and attendees.

Authority: 15 U.S.C. 634.

Stephen D. Kong,

Deputy General Counsel.

[FR Doc. E7-19962 Filed 10-10-07; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2007-0024; Directorate Identifier 2007-NM-086-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all

Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes. This proposed AD would require repetitive inspections for cracking in and around the upper and lower hinge cutouts of the forward entry and forward galley service doorways, and corrective actions if necessary. This proposed AD results from multiple reports of cracks found in the skin, bearstrap, and/or frame outer chord in the hinge cutout areas of the forward entry and forward galley service doorways. We are proposing this AD to detect and correct such cracking, which could result in rapid decompression of the airplane.

DATES: We must receive comments on this proposed AD by November 26, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.
- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.
- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- **Fax:** (202) 493-2251.
- **Hand Delivery:** Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT:

Howard Hall, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6430; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA-2007-0024; Directorate Identifier 2007-NM-086-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

Examining the Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground floor of the West Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

We have received multiple reports of cracks found in the skin, bearstrap, and/or frame outer chord in the hinge cutout areas of the forward entry and forward galley service doorways. Cracks in the forward entry door bearstrap were reported on an airplane with as few as

24,538 total flight cycles. Cracks in the forward galley service door bearstrap were reported on an airplane with as few as 44,938 total flight cycles. One operator reported a severed bearstrap, a severed station (STA) 291.5 frame, and a 14.5-inch crack in the skin at the lower hinge cutout of the forward galley service doorway. The airplane had accumulated 61,297 total flight cycles. Such cracking, if not corrected, could result in rapid decompression of the airplane.

The fatigue cracks are caused by cyclic cabin pressure loads and are not due to manufacturing defects in the bearstrap. The unsafe condition is unrelated to any previous investigation related to suspected unapproved parts.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 737-53A1200, dated April 13, 2006. The service bulletin describes procedures for repetitive inspections for cracking in and around the upper and lower hinge cutouts of the forward entry and forward galley service doorways. The service bulletin describes the following inspections:

- External detailed inspection of the skin;
- High frequency eddy current (HFEC) hole probe inspection of the skin, bonded doubler, bearstrap, and frame chord at specified fastener locations;

- HFEC hole probe inspection of the skin, bonded doubler, and bearstrap at specified fastener locations aft of the frame chord;

- HFEC inspection of the skin hinge cutout trim;

- Low frequency eddy current (LFEC) hole probe inspection of the skin, bonded doubler, and bearstrap at specific fastener locations aft of the frame chord;

- LFEC hole probe inspection of the skin, bonded doubler, bearstrap, and frame chord at specific fastener locations.

The service bulletin provides two options for the inspections, as follows:

COMPLIANCE TIMES

Option	Inspections	Threshold, in total flight cycles	Grace period, in flight cycles	Repetitive interval, in flight cycles
A ¹	External detailed inspection; HFEC inspection of the skin hinge cutout trim; and HFEC rotary probe inspection of the entire zone.	Entry door: 20,000 Service door: 40,000.	3,000	18,000
B	External detailed inspection; HFEC inspection of the skin hinge cutout trim; and LFEC inspection of the entire zone.	Entry door: 20,000 Service door: 40,000.	3,000	3,000
	HFEC rotary probe inspection of the aft zone (required only for Group 1, Configuration 1, and only for the entry door).	Entry door: 20,000 Service door: 40,000.	6,000	18,000

¹ Option A is mandatory for the forward entry door, upper and lower hinge cutouts, on Model 737-200C airplanes.

The service bulletin specifies contacting Boeing for crack repair instructions.

The service bulletin also states that the service bulletin might in the future be revised to include a preventive modification that will eliminate the need for the repetitive inspections. The service bulletin specifies contacting Boeing for information about this modification.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or

develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed below.

Difference Between the Proposed AD and the Service Bulletin

The service bulletin specifies contacting the manufacturer for instructions for crack repair and for an optional modification that would terminate the repetitive inspections. But this proposed AD would require doing the repair and optional modification in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Costs of Compliance

There are about 2,437 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD, per inspection cycle.

ESTIMATED COSTS

Work hours	Average hourly labor rate	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
13 to 14	\$80	\$1,040 to \$1,120	1,055	\$1,097,200 to \$1,181,600

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII,

Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701,

"General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for

safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA-2007-0024; Directorate Identifier 2007-NM-086-AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by November 26, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Boeing Model 737-100, -200, -200C, -300, -400, and -500 series airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from multiple reports of cracks found in the skin, bearstrap, and/or frame outer chord in the hinge cutout areas of the forward entry and forward galley service doorways. We are issuing this AD to detect and correct such cracking, which could result in rapid decompression of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Repetitive Inspections

(f) Except as provided by paragraph (g) of this AD, at the applicable times specified in paragraph 1.E. of Boeing Alert Service Bulletin 737-53A1200, dated April 13, 2006, do external detailed, low frequency eddy current, high frequency eddy current, and high frequency eddy current rotary probe inspections, as applicable, for cracks in and around the upper and lower hinge cutouts of the forward entry and forward galley service doorways, in accordance with the Accomplishment Instructions of the service bulletin, except as provided by paragraph (h) of this AD. Do not exceed the applicable repetitive interval for the previous inspection, as specified in the service bulletin as Option A or Option B. Repair any crack before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

Exceptions to Service Bulletin Specifications

(g) Where the service bulletin specifies a compliance time after the release date of the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

(h) Although the service bulletin specifies contacting Boeing for information about installing an optional preventive modification that would terminate the repetitive inspections specified in this AD, this AD requires that any terminating action be done by using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(3) An AMOC that provides an acceptable level of safety may be used for any repair

required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on October 1, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-20048 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-29329; Directorate Identifier 2007-NM-205-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain McDonnell Douglas Model 717-200 airplanes. This proposed AD would require modification of the conduit for the forward boost pump of the center fuel tank. This proposed AD results from the finding that a potential chafing condition exists in the volute assembly of the forward boost pump for the center fuel tank. We are proposing this AD to prevent chafing of the forward boost pump wiring that could lead to arcing to the inside of the 45-degree angle fitting, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by November 26, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- **Governmentwide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

• *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Fax:* (202) 493-2251.

• *Hand Delivery:* Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024), for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT:

Samuel S. Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5262; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA-2007-29329; Directorate Identifier 2007-NM-205-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

Examining the Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in

person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground level of the West Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83).

Among other actions, SFAR 88 requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken

that may mitigate the need for further action.

We have determined that the actions identified in this proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

We have received a report indicating that a potential chafing condition exists in the volute assembly of the forward boost pump for the center fuel tank, on McDonnell Douglas Model 717-200 airplanes. Boeing discovered this condition during an investigation of the wiring installations for the fuel boost pump. The wiring that provides electrical power to the forward boost pump for the center fuel tank is installed in a flexible conduit inside the right wing fuel tank and is routed to the volute assembly. The potential chafing area exists at the 45-degree angle fitting (made of anodized aluminum) of the volute assembly. This angle fitting has been found to have an internal uncontrolled edge that could cause damage to the wiring insulation. Chafed wiring could lead to arcing to the inside of the 45-degree angle fitting. This condition, if not corrected, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Relevant Service Information

We have reviewed Boeing Service Bulletin 717-28-0007, Revision 1, dated September 23, 2003. The service bulletin describes procedures for modifying the conduit for the forward boost pump of the center fuel tank. The modification includes removing conduit from the 45-degree angle fitting of the forward boost pump and routing the conduit to the existing straight fitting in the bottom of the pump volute located in the right wing fuel tank. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under "Difference between the Proposed AD and Service Bulletin."

Difference Between the Proposed AD and Service Bulletin

Although the service bulletin recommends accomplishing the modification at "a scheduled maintenance period when manpower, materials, and facilities are available," we have determined that this compliance time is imprecise and would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, we considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the modification. In light of all of these factors, we find a compliance time of 78 months for completing the required actions to be warranted, in that it represents an appropriate interval of time for affected airplanes to continue to operate without compromising safety. We have coordinated this difference with Boeing.

Costs of Compliance

There are about 77 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 61 airplanes of U.S. registry. The proposed actions would take about 9 work hours per airplane, at an average labor rate of \$80 per work hour. Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$43,920, or \$720 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism

implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

McDonnell Douglas: Docket No. FAA-2007-29329; Directorate Identifier 2007-NM-205-AD.

Comments Due Date

- (a) The FAA must receive comments on this AD action by November 26, 2007.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to McDonnell Douglas Model 717-200 airplanes, certificated in any category; as identified in Boeing Service Bulletin 717-28-0007, Revision 1, dated September 23, 2003.

Unsafe Condition

- (d) This AD results from a finding that a potential chafing condition exists in the volute assembly of the forward boost pump for the center fuel tank. We are issuing this

AD to prevent chafing of the forward boost pump wiring that could lead to arcing to the inside of the 45-degree angle fitting, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

Compliance

- (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Modification

- (f) Within 78 months after the effective date of this AD, modify the conduit for the forward boost pump of the center fuel tank, by accomplishing all of the actions specified in the Accomplishment Instructions of Boeing Service Bulletin 717-28-0007, Revision 1, dated September 23, 2003.

Alternative Methods of Compliance (AMOCs)

- (g)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

- (2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Issued in Renton, Washington, on October 1, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-20049 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-29330; Directorate Identifier 2007-NM-199-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain McDonnell Douglas Model 717-200 airplanes. This proposed AD would require electrical bonding of the fill valves for the right and left main fuel tanks, the fill valve and pipe assembly

for the center wing fuel tank, and the defuel shutoff valve. This proposed AD results from a fuel system review conducted by the manufacturer. We are proposing this AD to prevent improper bonding of the fill valves and defuel shutoff valve for the main fuel tanks and center wing tank, which, in combination with a lightning strike, could result in a fuel tank explosion and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by November 26, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- **DOT Docket Web site:** Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- **Government-wide rulemaking Web site:** Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- **Fax:** (202) 493-2251.

- **Hand Delivery:** Room W12-140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024), for the service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT:

Samuel S. Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5262; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number "FAA-2007-29330; Directorate Identifier 2007-NM-199-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date

and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

Examining the Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground level of the West Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83).

Among other actions, SFAR 88 requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It

requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intend to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

We have determined that the actions identified in this proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

We have received a report indicating that, during fuel tank design review of Model 717-200 airplanes, Boeing found that the fill valves and defuel shutoff valve of the right wing leading edge fuel tank were not electrically bonded to the attaching structure mounting flanges. Investigation revealed that the electrical bonding design requirement was inadvertently omitted during production. Although no reports or incidents have resulted from this condition, electrical bonds should be installed to ensure that lightning-induced high amperage current levels have the correct flow path to the wing fuel tank structure. Improper bonding of the fill valves and defuel shutoff valve for the main fuel tanks and center wing tank, if not corrected, in combination with a lightning strike, could result in a fuel tank explosion and consequent loss of the airplane.

Relevant Service Information

We have reviewed Boeing Service Bulletin 717-28-0012, Revision 1, dated June 7, 2006. The service bulletin describes procedures for electrical bonding of the fill valves for the right and left main fuel tanks, the fill valve and pipe assembly for the center wing fuel tank, and the defuel shutoff valve. Accomplishing the actions specified in

the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

There are about 134 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 104 airplanes of U.S. registry. The proposed actions would take about 4 work hours per airplane, at an average labor rate of \$80 per work hour. Required parts would cost about \$9 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$34,216, or \$329 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

McDonnell Douglas: Docket No. FAA-2007-29330; Directorate Identifier 2007-NM-199-AD.

Comments Due Date

- (a) The FAA must receive comments on this AD action by November 26, 2007.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to McDonnell Douglas Model 717-200 airplanes, certificated in any category, as identified in Boeing Service Bulletin 717-28-0012, Revision 1, dated June 7, 2006.

Unsafe Condition

- (d) This AD results from a fuel system review conducted by the manufacturer. We are issuing this AD to prevent improper bonding of the fill valves and defuel shutoff valve for the main fuel tanks and center wing tank, which, in combination with a lightning strike, could result in a fuel tank explosion and consequent loss of the airplane.

Compliance

- (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Electrical Bonding

- (f) Within 60 months after the effective date of this AD, accomplish the electrical bonding of the fill valves for the right and left main fuel tanks, the fill valve and pipe assembly for the center wing fuel tank, and the defuel shutoff valve, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 717-28-0012, Revision 1, dated June 7, 2006.

Credit for Actions Done Using the Previous Service Information

- (g) Actions accomplished before the effective date of this AD in accordance with Boeing Service Bulletin 717-28-0012, dated April 16, 2004, are considered acceptable for compliance with the corresponding actions specified in paragraph (f) of this AD.

Alternative Methods of Compliance (AMOCs)

- (h)(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

- (2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Issued in Renton, Washington, on October 1, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-20051 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-26490; Directorate Identifier 2006-CE-75-AD]

RIN 2120-AA64

Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by APEX Aircraft and Avions Pierre ROBIN) Model R2160 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of

another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

To prevent failure of the wing structure and assembly components due to undetected fatigue and corrosion * * *

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by November 13, 2007.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2006-26490; Directorate Identifier 2006-CE-75-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will

consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for New Zealand, has issued AD DCA/R2000/28, dated September 28, 2006 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

To prevent failure of the wing structure and assembly components due to undetected fatigue and corrosion * * *

The MCAI requires that you inspect the wing structure and fuselage attachment and repair any defects that you find.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Avions Pierre Robin (recent type certificate responsibility was with APEX Aircraft and current responsibility with Alpha Aviation Design Limited) has issued Service Bulletin No. 123, revision 2, dated November 14, 1995; and Mandatory Service Bulletin No. 123, revision 3, issued December 23, 1999.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use

different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the proposed AD. These requirements, if ultimately adopted, will take precedence over the actions copied from the MCAI.

Costs of Compliance

We estimate that this proposed AD will affect 10 products of U.S. registry. We also estimate that it will take about 15 work-hours per product to comply with basic requirements of this proposed AD. The average labor rate is \$80 per work-hour. Required parts will cost about \$1,326 per product.

Based on these figures, we estimate the cost of this proposed AD to the U.S. operators to be \$25,260 or \$2,526 per product.

We have no way to determine what aircraft will need replacement parts that may be required based on the results of any inspection.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and

responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by Apex Aircraft and Avions Pierre Robin): Docket No. FAA-2006-26490; Directorate Identifier 2006-CE-75-AD.

Comments Due Date

(a) We must receive comments by November 13, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model R2160 airplanes, serial numbers 001 through 378, certificated in any category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states:

To prevent failure of the wing structure and assembly components due to undetected fatigue and corrosion * * *

The MCAI requires that you inspect the wing structure and fuselage attachment and repair any defects that you find.

Actions and Compliance

(e) Unless already done, do the following actions:

(1) *For airplanes with less than 4,000 hours time-in-service (TIS):* When the airplane

reaches a total of 3,500 hours TIS or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 750 hours TIS, disassemble the wings from the fuselage and inspect the wing structure and assembly components following instruction No. 1 in Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999. If any defects are found, before further flight, repair following Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999; and Avions Pierre Robin Service Bulletin No. 123, revision 2, issued November 14, 1995.

(2) *For airplanes with 4,000 hours TIS or more that do not have the special instruction in paragraph E of Avions Pierre Robin Service Bulletin No. 123, revision 2, dated November 14, 1995, incorporated:* Within the next 100 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 750 hours TIS, disassemble the wings from the fuselage and inspect the wing structure and assembly components following instruction No. 1 in Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999. If any defects are found, before further flight, repair following Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999; and Avions Pierre Robin Service Bulletin No. 123, revision 2, issued November 14, 1995.

(3) *For airplanes with 4,000 hours TIS or more that have the special instruction in paragraph E of Avions Pierre Robin Service Bulletin No. 123, revision 2, dated November 14, 1995, incorporated:* Within the next 750 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 750 hours TIS, disassemble the wings from the fuselage and inspect the wing structure and assembly components following instruction No. 1 in Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999. If any defects are found, before further flight, repair following Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999; and Avions Pierre Robin Service Bulletin No. 123, revision 2, issued November 14, 1995.

(4) *For all airplanes:* When the airplane reaches a total of 3,500 hours TIS after installation of the wing-to-fuselage bolts or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, do a non-destructive inspection of the wing-to-fuselage retaining bolts and replace any bolts that do not pass this inspection following instruction No. 2 in Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999.

(5) *For all airplanes:* Within the next 50 hours TIS after re-assembling the wing and thereafter at intervals not to exceed 100 hours TIS, inspect the wing-to-fuselage retaining bolts for correct torque settings following instruction No. 3 in Robin Aviation Service Bulletin No. 123, revision 3, dated December 23, 1999. The required torque value is 22 ft-lb with nut part number 95.24.39.010. Tighten to 16 ft-lb (pre-loading) and then torque from 16 to 22 ft-lb.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No Differences.

Other FAA AD Provisions

(f) The following provisions also apply to this AD:

(1) **Alternative Methods of Compliance (AMOCs):** The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; fax: (816) 329-4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) **Airworthy Product:** For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) **Reporting Requirements:** For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

Related Information

(g) Refer to MCAI Civil Aviation Authority AD DCA/R2000/28, dated September 28, 2006; Avions Pierre Robin Service Bulletin No. 123, revision 2, issued November 14, 1995; and Robin Aviation Mandatory Service Bulletin No. 123, revision 3, issued December 23, 1999, for related information.

Issued in Kansas City, Missouri, on October 4, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-20047 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2007-29231; Airspace Docket No. 07-AGL-8]

Proposed Establishment of Class E5 Airspace; Hinckley, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Hinckley, MN. Additional controlled airspace is necessary to accommodate aircraft using new Area Navigation (RNAV) Global Positioning System (GPS) Instrument Approach Procedures (IAP) at Field of Dreams Airport. The FAA is proposing this action to enhance the safety and management of aircraft operations at Field of Dreams Airport, Hinckley, MN.

DATES: Comments must be received on or before November 30, 2007.

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You must identify the docket number FAA-2007-29231/Airspace Docket No. 07-AGL-8, at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527) is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Grant Nichols, System Support, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone (816) 329-2522.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2007-29231/Airspace Docket No. 07-AGL-8." The postcard

will be date/time stamped and returned to the commenter.

Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at <http://www.faa.gov> or the Superintendent of Document's web page at <http://www.access.gpo.gov/nara>.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR) part 71, by establishing a Class E airspace area extending upward from 700 feet above the surface at Field of Dreams Airport, Hinckley, MN. The establishment of RNAV (GPS) IAPs have made this action necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules operations at Field of Dreams Airport, Hinckley, MN. The area would be depicted on appropriate aeronautical charts.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9R, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would enhance the safety and management of aircraft operations at Field of Dreams Airport, Hinckley, MN.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MN E5 Hinckley, MN [New]

Field of Dreams Airport, Hinckley, MN
(Lat. 46°01'22" N., long. 92°53'44" W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Field of Dreams Airport, Hinckley, MN.

* * * * *

Issued in Fort Worth, TX, on September 25, 2007.

Ronnie L. Uhlenhaker,

Team Manager, System Support Group, ATO Central Service Center.

[FR Doc. 07-5001 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of International Investment

31 CFR Part 800

Regulations Pertaining to Mergers, Acquisitions and Takeovers

AGENCY: Department of the Treasury.

ACTION: Notice of inquiry; Notice of public meeting.

SUMMARY: On July 26, 2007, President Bush signed into law the Foreign Investment and National Security Act of 2007 ("FINSA"), which amends section 721 of the Defense Production Act of 1950. Section 721 creates a process by which the President and his delegate, the Committee on Foreign Investment in the United States ("CFIUS"), conduct national security reviews of foreign acquisitions of control of U.S. businesses. As chair of CFIUS, Treasury has begun preparatory work on regulations that implement these new legislative provisions. Treasury is interested in private sector views on issues relating to the existing national security review process, as well as issues raised by FINSA, and is inviting both written and oral comments.

DATES: Written comments are due on or before December 7, 2007. The public meeting will be held from two to four o'clock (2-4 p.m.) on October 23, 2007.

ADDRESSES: Written comments may be submitted electronically to CFIUS@do.treas.gov. Electronic filings that exceed 5 megabytes (MB) must be divided into smaller transmissions of no more than 5MB each. All comments will be posted to CFIUS's Web site at <http://www.ustreas.gov/offices/international-affairs/exon-florio/>.

FOR FURTHER INFORMATION CONTACT: For questions about this Notice of Inquiry or the Notice of Public Meeting, contact: Nova Daly, Deputy Assistant Secretary, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220; telephone: (202) 622-2752; or e-mail: Nova.Daly@do.treas.gov.

SUPPLEMENTARY INFORMATION:

Background: On May 10, 2007, President Bush issued an Open Economies statement reaffirming the

United States' longstanding policy of welcoming international investment. He noted that, while continuing "to take every necessary step to protect national security, my Administration recognizes that our prosperity and security are founded on our country's openness." In that context, on July 26, 2007, President Bush signed into law the Foreign Investment and National Security Act of 2007 ("FINSA") (Pub. L. 110-49), which amends section 721 of the Defense Production Act of 1950 (50 U.S.C. 2170 *et seq.*) ("section 721"), to codify the structure, role, process, and responsibilities of CFIUS. The principal provisions of the new legislation are described below.

CFIUS Membership: FINSA establishes CFIUS in statute and specifies its membership to include the Secretaries of the Departments of the Treasury, State, Defense, Commerce, Energy, and Homeland Security, and the Attorney General. Additionally, the Secretary of Labor and the Director of National Intelligence are *ex officio*, non-voting members of CFIUS, with the latter serving as an independent advisor to CFIUS on intelligence matters. In addition to certain officials in the Executive Office of the President, the President may also appoint the head of any other executive department, agency, or office whom he deems appropriate to serve as a CFIUS member. Current executive orders specify twelve CFIUS members, including certain officials in the Executive Office of the President.

FINSA specifies that the Secretary of the Treasury shall serve as Chairperson of CFIUS and, as appropriate, shall designate a CFIUS member or members to be the "lead" agency or agencies for each covered transaction reviewed by CFIUS and for the monitoring of completed transactions.

Review and Investigation Process: FINSA requires that, upon receipt by Treasury of written notification of a "covered transaction" (*i.e.*, a merger, acquisition, or takeover by or with any foreign person that could result in foreign control of any person engaged in interstate commerce in the United States), the President, acting through CFIUS, shall review the transaction within 30 days to determine its effects on national security, based on any relevant factors, including several new factors FINSA added to an illustrative list contained in section 721. The term "national security" is clarified to include those issues relating to "homeland security," including its application to "critical infrastructure," which is also defined in the new legislation.

If, during its review, CFIUS determines that (1) the transaction threatens to impair U.S. national security and the threat has not yet been mitigated, (2) the lead agency recommends an investigation and CFIUS concurs, (3) the transaction would result in foreign government control, or (4) the transaction would result in the control of any U.S. critical infrastructure that could impair U.S. national security and the threat has not yet been mitigated, then CFIUS must conduct and complete within 45 days an investigation of the transaction. The latter two grounds for an investigation do not mandate an investigation if the Secretary or Deputy Secretary of the Treasury and the equivalent lead agency counterparts jointly determine that the transaction will not impair U.S. national security.

FINSA also authorizes the President or CFIUS, if approved at the Under Secretary level or above, to review unilaterally any covered transaction that is proposed or pending after August 23, 1988, and that has not previously been reviewed, or a previously reviewed transaction if false or inaccurate information was submitted to CFIUS during the review or investigation of the transaction or a mitigation agreement resulting from the review or investigation was intentionally and materially breached.

Risk Mitigation and Tracking of Withdrawn Cases: FINSA provides that CFIUS or a lead agency designated by the Secretary of the Treasury may, on behalf of CFIUS, enter into, modify, monitor, and enforce agreements with any party to a covered transaction to mitigate national security risk posed by the transaction. Any mitigation agreement must be based on transaction-specific, risk-based analysis. FINSA also requires that CFIUS establish a method of tracking transactions withdrawn from the review or investigation process, as well as a process for establishing interim protections to address any national security concerns raised by withdrawn transactions that have not yet been refiled.

Actions by the President: FINSA authorizes the President to suspend or prohibit any covered transaction when (1) there is credible evidence that the foreign interest might take action that threatens to impair national security, and (2) provisions of law other than section 721 and the International Emergency Economic Powers Act do not provide adequate and appropriate authority to protect national security in the matter before the President. The President must decide whether to take such action within 15 days of the

completion of an investigation, based on all relevant factors, including, as appropriate, an illustrative list of factors contained in section 721, which has been expanded by FINSA.

Regulations: FINSA requires the President to direct the issuance of implementing regulations. These regulations shall impose civil penalties for violations of section 721, including those relating to mitigation agreements. Proposed regulations will be published in the **Federal Register** and be subject to notice and comment before final regulations are published. Treasury must also publish in the **Federal Register** guidance on the types of transactions that CFIUS has reviewed and that have presented national security considerations. Treasury plans to do so separately from the regulations that will be published under section 721.

Request for Comment: The purpose of issuing this notice of inquiry and convening a public meeting is to obtain a wide array of views of businesses active in international mergers and acquisitions on several broad topics, in order to inform regulatory development. Topics of particular interest to Treasury include, but are not limited to:

- (i) Procedural issues relating to the review process, including pre-filing, filing of voluntary notice, unilateral initiation of review by CFIUS, withdrawal of notice, refiling of notice, and notice to filers of the results of a review or investigation;
- (ii) Definitional issues, including the definitions of "control," "foreign person," "person engaged in interstate commerce in the United States," "critical infrastructure," and "critical technologies";
- (iii) Mitigation agreements, including determinations of the need for risk mitigation, scope of provisions, compliance monitoring, modification, and enforcement, including civil penalties and other remedies for breach;
- (iv) Confidentiality issues;
- (v) Collection of information from filers, including personal identifier information and information to aid CFIUS in determining jurisdiction and whether the transaction raises national security considerations; and
- (vi) Emerging trends in international investment and their relevance to the CFIUS process, including legal structures for effecting acquisitions of U.S. businesses.

Treasury would also be interested in hearing views on other topics of interest to the private sector that relate to the CFIUS review process or FINSA.

Public Meeting: Treasury announces a public meeting to be held from two to

four o'clock (2–4 p.m.) on October 23, 2007, in Room 4121 of the Treasury Building, at 1500 Pennsylvania Avenue, NW., Washington, DC 20220, to discuss issues associated with this legislation. The meeting will be open to the public on a first-come, first-served basis. Space is limited. Due to security requirements and to facilitate entry to the meeting site, anyone wishing to attend must contact Mr. Michael Kimack at Michael.Kimack@do.treas.gov or (202) 622–0414 no later than October 16, 2007, in order to provide the necessary clearance information: Full name, business affiliation, date of birth, and Social Security number. For foreign nationals: Full name, business affiliation, date of birth, passport number, and the country where the passport was issued. When arriving for the meeting, attendees must present photo or passport identification and/or a U.S. Government building pass, if applicable, and should arrive at least one-half hour prior to the start time of the meeting. The public meeting is physically accessible to people with disabilities. Individuals requiring special services, such as sign language interpretation, are asked to indicate this to Mr. Kimack.

Dated: October 4, 2007.

Gay Hartwell Sills,

Staff Chair, Committee on Foreign Investment in the United States (CFIUS).

[FR Doc. E7–20042 Filed 10–10–07; 8:45 am]

BILLING CODE 4811–42–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[CGD11–04–002]

RIN 1625–AA01

Anchorage Regulation; San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is submitting for public consideration this supplemental notice of proposed rulemaking. We propose to create in San Francisco Bay a temporary anchorage area, designated Anchorage 8A, adjacent to existing anchorage 8 that can be activated by Coast Guard Vessel Traffic Services (VTS) when the number of vessels requesting to anchor in Anchorages 8 and 9 exceeds the capacity of these two anchorages.

Promulgating a permanent rule to establish the temporary anchorage area allows the Coast Guard to define its use and location, and to establish procedures for activating the anchorage area and notifying the maritime public.

DATES: Comments and related material must reach the Coast Guard on or before December 10, 2007.

ADDRESSES: You may mail comments and related material to Waterways Safety Branch, Sector San Francisco, 1 Yerba Buena Island, San Francisco, California 94130. Waterways Safety Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Waterways Safety Branch, Sector San Francisco, 1 Yerba Buena Island, San Francisco, California 94130, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Eric Ramos, U.S. Coast Guard Sector San Francisco, Waterways Safety Branch at telephone (415) 399–7443.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD11 04–002), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know that your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to the Waterways Safety Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Regulatory History

We published a notice of proposed rulemaking (NPRM) entitled "Anchorage Regulation; San Francisco Bay, CA" in the **Federal Register** on April 1, 2004 (69 FR 17119), under docket number CGD11-04-002. Due to the lengthy period of time that has lapsed since April 1, 2004, and the reduction of the size of the proposed new Anchorage 8A, the Coast Guard decided to resubmit this proposal to the public for further consideration. The difference between this supplemental notice of proposed rulemaking and the original notice of proposed rulemaking is the size of proposed anchorage 8A. The size has been reduced based upon public comment to the original notice of proposed rulemaking.

Discussion of Comments

Comments were received from the San Francisco Bay Conservation and Development Commission (BCDC). The BCDC requested that a consistency determination be submitted evaluating the proposal in relation to BCDC Coastal Zone Management Policies. A 15 CFR Part 930.35 Negative Determination was submitted to BCDC on September 18, 2006. In a letter dated October 17, 2006, BCDC suggested that the Coast Guard consult with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) regarding threatened or endangered species. A biological evaluation was submitted to the USFWS and NMFS on November 21, 2006.

On December 4, 2006, USFWS copied the Coast Guard on a 2004 memorandum in which they found that proposed Anchorage 8A could adversely affect the endangered California least tern (*Sterna antillarum browni*). The Coast Guard redefined the size and configuration of the proposed anchorage based on consultation with USFWS. As a result, USFWS concurred with the Coast Guard's determination of "not likely to adversely affect" as described below. BCDC also concurred that the proposed action would be consistent with their Amended Coastal Zone Management Program for San Francisco Bay.

NMFS wrote to the Coast Guard on June 4, 2007, that "based on the best available scientific information, the NMFS has determined that the proposed project is not likely to adversely affect listed salmonids or green sturgeon," populations which are listed as threatened or endangered under the Endangered Species Act and which may be present in the proposed Anchorage 8A area.

Background and Purpose

Due to the trend toward larger ships arriving in San Francisco Bay, the growth of faster Marine Transportation Systems, and increased large vessel traffic, use of Anchorages 8 and 9 in San Francisco Bay has increased. In addition to more vessels needing to anchor while awaiting the departure of other vessels at berth, periodic labor strikes and disputes have caused delays in the turnaround time of cargo, and filled Anchorages 8 and 9 to capacity.

To address the continuing need to temporarily activate an additional anchorage area, the Coast Guard issued a proposed rule on April 1, 2004 (69 FR 17119) that proposed to formalize temporary anchorage 8A.

The April 1, 2004, NPRM originally proposed that Anchorage 8A be bounded by the following lines: Beginning latitude 37°47'35.5" N and longitude 122°21'50" W; thence south-southwesterly to latitude 37°47'05" N and longitude 122°22'07.5" W; thence south-southeasterly to latitude 37°46'30" N and longitude 122°21'56" W; thence easterly along the northern border of Anchorage 9 to latitude 37°46'21.5" N and longitude 122°19'07" W; thence northerly to latitude 37°46'34.5" N and longitude 122°19'05.5" W; thence westerly to latitude 37°46'36.5" N and longitude 122°19'52" W; thence westerly along the southern border of Anchorage 8 to latitude 37°45'40" N and longitude 122°21'23" W; thence northwesterly along the southwestern border of Anchorage 8 back to the beginning point (NAD 83). The proposed perimeter of the original size of Anchorage 8A was approximately six and one-half nautical miles.

Due to the lengthy period of time that has lapsed since April 1, 2004, and the reduction of the size of the proposed new Anchorage 8A, the Coast Guard decided to publish a supplemental notice to allow the public to comment on the reduced size of proposed anchorage 8A.

Discussion of Supplemental Proposed Rule

This SNPRM proposes that the new perimeter of Anchorage 8A be approximately four nautical miles and bounded by the following lines: Beginning at latitude 37°47'35" N and longitude 122°21'50" W; thence south-southwesterly to latitude 37°47'07" N and longitude 122°22'09" W; thence south-southeasterly to latitude 37°46'30" N and longitude 122°21'57" W; thence easterly along the northern border of anchorage 9 to latitude 37°46'26" N and longitude 122°20'42" W; thence

northerly to latitude 37°46'38" N and longitude 122°20'42" W; thence westerly along the southern border of anchorage 8 to latitude 37°46'41" N and longitude 122°21'23" W; thence northwesterly along the southwestern border of anchorage 8 back to the beginning point (NAD 83).

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. The effect of this regulation will not be significant because the anchorage will only be used when unusual circumstance require that it be activated, recreational traffic can still traverse the anchorage area when necessary, and the temporary anchorage area only takes up a small portion of San Francisco Bay. In addition, this temporary anchorage area has been used twice in the past to accommodate vessels during labor disputes that resulted in Anchorages 8 and 9 being filled to capacity.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would not have a significant economic impact on a substantial number of small entities for the reasons discussed in the Regulatory Evaluation above.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Eric Ramos, Sector San Francisco, Waterways Safety Branch Chief, 1 Yerba Buena Island, San Francisco, California 94130, (415) 399–7443.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice

Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(f), of the Instruction, from further environmental documentation because we are changing an anchorage regulation.

A draft “Environmental Analysis Check List” and a draft “Categorical Exclusion Determination” will be available in the docket where indicated under **ADDRESSES**. Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.

2. In § 110.224—

a. In paragraph (d), revise Table 110.224(D)(1) and add a new paragraph to Notes at the end of the table and;

b. In paragraph (e), redesignate paragraphs (6) through (21) as paragraphs (7) through (22), and add new paragraph (e)(6) to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, CA.

* * * * *

(d)(1) * * *

TABLE 110.224(D)(1)

Anchorage No.	General location	Purpose	Specific regulations
4	San Francisco Bay	General	Notes a, b.
5	.....do	.....do	Do.
6	.....do	.....do	Note a.
7	.....do	.....do	Notes a, b, c, d, e.
8	.....do	.....do	Notes a, b, c.
8A	.....do	.....do	Notes a, b, c, d, e, j, n.
9	.....do	.....do	Notes a, b, m.
10	.....do	Naval	Note a.
12	.....do	Explosives	Notes a, f.
13	.....do	.....do	Notes a, e, g.
14	.....do	.....do	Notes a, f, h.
18	San Pablo Bay	General.	
19	.....do	.....do	Note b.
20	.....do	.....do	
21	.....do	Naval.	
22	Carquinez Strait	General.	
23	Benicia	General	Notes c, d, e, l.
24	Carquinez Strait	General	Note j.
26	Suisun Bay	.....do	Note k.
27	.....do	.....do	
28	San Joaquin River	.....do	
30	.....do	Explosives.	

Notes: * * *

n. This temporary anchorage will be activated by VTS San Francisco when Anchorages 8 and 9 are at capacity and additional anchorage capacity in the vicinity of Alameda is required. VTS will notify a vessel that this temporary anchorage is activated and available for use when Anchorages 8 and 9 are full, and a vessel requests permission from VTS to anchor in Anchorage 8 or 9.

(e) *Boundaries.* * * *

(6) *Anchorage No. 8A.* In San Francisco Bay bounded by the following lines: Beginning at latitude 37°47'35" N and longitude 122°21'50" W; thence south-southwesterly to latitude 37°47'07" N and longitude 122°22'09" W; thence south-southeasterly to latitude 37°46'30" N and longitude 122°21'57" W; thence easterly along the northern border of anchorage 9 to latitude 37°46'26" N and longitude 122°20'42" W; thence northerly to latitude 37°46'38" N and longitude 122°20'42" W; thence westerly along the southern border of anchorage 8 to latitude 37°46'41" N and longitude 122°21'23" W; thence northwesterly along the southwestern border of anchorage 8 back to the beginning point (NAD 83).

* * * * *

Dated: August 15, 2007.

C.E. Bone,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. E7-19995 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117****[CGD05-07-093]****RIN 1625-AA09****Drawbridge Operation Regulations; Corson Inlet, New Jersey Intracoastal Waterway (NJICW), Townsend Inlet, NJ****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the drawbridge operation regulations of four Cape May County Bridge Commission (the Commission) bridges: The Corson Inlet Bridge, at mile 0.9, at Strathmere; the Stone Harbor Boulevard Bridge, at NJICW mile 102.0, across Great Channel at Stone Harbor; the Two-Mile Bridge, at NJICW mile 112.2, across Middle Thorofare in Wildwood Crest; and the Townsend Inlet Bridge, at mile 0.3 in Avalon, NJ. This proposal would allow the drawbridges to operate on an advance notice basis on particular dates at particular times during holidays in December of every year. This proposal would allow the draw tenders to spend the holiday with their families while still providing for the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before November 26, 2007.

ADDRESSES: You may mail comments and related material to Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004. The Fifth Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (dpb), Fifth Coast Guard District between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

SUPPLEMENTARY INFORMATION:**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking CGD05-07-093, indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches,

suitable for copying. If you would like a return receipt, please enclose a stamped, self-addressed postcard or envelope. We will consider all submittals received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander (dph), Fifth Coast Guard District at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The owner of the drawbridges, the Cape May County Bridge Commission (the Commission), requested changes to the operating regulations for the four drawbridges to allow them to operate on an advance notice basis at different times on Christmas Eve, Christmas Day and the day after Christmas of every year.

Over the years, the Commission had difficulty during the Christmas holiday in staffing their drawbridges: The Corson Inlet Bridge, at mile 0.9, at Strathmere; the Stone Harbor Boulevard Bridge, at NJICW mile 102.0, across Great Channel at Stone Harbor; the Two-Mile Bridge at NJICW mile 112.2, across Middle Thorofare in Wildwood Crest; and the Townsend Inlet Bridge, at mile 0.3 in Avalon.

In the past six years, the Commission has received written authorization from the Coast Guard that allowed the drawbridges to operate on a two-hour advance notice for vessel openings at designated times on Christmas Eve, Christmas Day and the day after Christmas that allowed the draw tenders to spend the holiday with their families while still providing for the reasonable needs of navigation.

A review of the bridge logs supplied by the Commission for the affected drawbridges reveals that they have not received any requests nor performed any bridge openings on Christmas Eve, Christmas Day or the day after Christmas for at least the previous nine years.

The Cape May County Bridge Commission Department of Public Works currently maintains a 24-hour telephone at (609) 368-4591 to request bridge openings. Qualified personnel will be on-call and ready for dispatch with two-hour advance notice for the following drawbridges:

Corson Inlet

The Corson Inlet Bridge, mile 0.9, at Strathmere has a vertical clearance of 15 feet above mean high water (MHW) and 18 feet above mean low water (MLW) in the closed position to vessels. The existing operating regulations are set out in 33 CFR 117.714. The Commission requested to change the current operating regulations by requiring the draw span to open on signal if at least two hours notice is given from 12:01 a.m. on December 25 until and including 6 a.m. on December 26 of every year.

New Jersey Intracoastal Waterway

The Stone Harbor Boulevard Bridge, at NJICW mile 102.0, across Great Channel at Stone Harbor has a vertical clearance of 15 feet above MHW and 11 feet above MLW in the closed position to vessels. The existing operating regulations are set out in 33 CFR 117.733(i). The Commission requested to change the current operating regulations by requiring the draw span to open on signal if at least two hours notice is given from 10 p.m. on December 24 until and including 6 a.m. on December 26 of every year.

The Two-Mile Bridge, at NJICW mile 112.2, across Middle Thorofare in Wildwood Crest has a vertical clearance of 23 feet above MHW and 27 feet above MLW. The existing regulations are set out in 33 CFR 117.733(k). The Commission requested to change the current operating regulations by requiring the draw span to open on signal if at least two hours notice is given from 10:30 p.m. on December 24 until and including 10:30 p.m. on December 25 of every year.

Townsend Inlet

The Townsend Inlet Bridge, at mile 0.3, in Avalon has a vertical clearance of 23 feet above MHW and 26 feet above MLW in the closed position to vessels. The existing regulations are set out in 33 CFR 117.757. The Commission requested to change the current operating regulations by requiring the draw span to open on signal if at least two hours notice is given from 11 p.m. on December 24 until and including 11 p.m. on December 25 of every year.

The Coast Guard believes that all of the proposed changes are reasonable because the drawbridges would still open on Christmas Eve, Christmas Day, and the day after Christmas, as applicable, after the advance notice is given.

Discussion of Proposed Rule

Corson Inlet

The proposed rule amends 33 CFR 117.714 by revising the operating regulations by extending the two-hour notice period in effect during the off season to include all of Christmas Day. The proposal would read as follows: The draw of the Corson Inlet Bridge, mile 0.9, at Strathmere, shall open on signal: Except, that from October 1 through May 15 from 10 p.m. to 6 a.m., and from 6 a.m. to 10 p.m. on December 25, the draw need open only if at least two hours notice is given.

New Jersey Intracoastal Waterway

This proposed rule amends 33 CFR 117.733 by revising paragraph (i), which details the operating regulations for the Stone Harbor Boulevard Bridge at NJICW mile 102.0, across Great Channel at Stone Harbor.

A new paragraph will be added at § 117.733(i)(3) to read that the draw shall open on signal from 10 p.m. on December 24 until 6 a.m. on December 26 if at least two hours notice is given.

This proposed rule also amends 33 CFR 117.733 by revising paragraph (k), which details the operating regulations for the Two-Mile Bridge, at NJICW mile 112.2, across Middle Thorofare in Wildwood Crest.

Paragraph (k) would state that the draw shall open on signal except: (1) From 9:15 a.m. to 10:30 a.m. on the fourth Sunday in March of every year, the draw need not open for vessels. If the fourth Sunday falls on a religious holiday, the draw need not open for vessels from 9:15 a.m. to 10:30 a.m. on the third Sunday of March of every year; and (2) from 10:30 p.m. on December 24 until and including 10:30 p.m. on December 26, the draw need open only if at least two hours notice is given.

Townsend Inlet

The proposed rule amends 33 CFR 117.757 by revising the operating regulations to read as follows: The draw of Townsend Inlet Bridge, mile 0.3 in Avalon, shall open on signal except: (1) From 9:15 a.m. to 2:30 p.m. on the fourth Sunday in March of every year, the draw need not open for vessels. If the fourth Sunday falls on a religious holiday, the draw need not open from 9:15 a.m. to 2:30 p.m. on the third Sunday of March of every year; and (2) from 11 p.m. on December 24 until 11 p.m. on December 25, the draw need open only if at least two hours notice is given.

Regulatory Evaluation

This proposed rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning, and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the fact that the proposed changes have only a minimal impact on maritime traffic transiting the bridge. Mariners can plan their trips in accordance with the scheduled bridge openings to minimize delays, and vessels that can pass under the bridges without a bridge opening may do so at all times.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule would not have a significant economic impact on a substantial number of small entities because the rule only adds minimal restrictions to the movement of navigation, mariners who plan their transits in accordance with the scheduled bridge openings can minimize delay and vessels that can pass under the bridges without a bridge opening may do so at all times.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, (757) 398–6222. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, (32)(e), of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), an “Environmental Analysis Check List” or “Categorical Exclusion Determination” is not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g).

2. Revise § 117.714 to read as follows:

§ 117.714 Corson Inlet

The draw of the Corson Inlet Bridge, mile 0.9, at Strathmere, shall open on signal; except that from October 1 through May 15 from 10 p.m. to 6 a.m., and from 6 a.m. to 10 p.m. on December 25, the draw need open only if at least two hours notice is given.

3. Section 117.733 is amended by adding a new paragraph (i)(3) and revising paragraph (k) to read as follows:

§ 117.733 New Jersey Intracoastal Waterway.

* * * * *

(i) * * *

(3) From 10 p.m. on December 24 until 6 a.m. on December 26, the draw need open only if at least two hours notice is given.

(k) The draw of Two-Mile Bridge, mile 112.2, across Middle Thorofare in Wildwood Crest, shall open on signal except:

(1) From 9:15 a.m. to 10:30 a.m. on the fourth Sunday in March of every

year, the draw need not open for vessels. If the fourth Sunday falls on a religious holiday, the draw need not open for vessels from 9:15 a.m. to 10:30 a.m. on the third Sunday of March of every year.

(2) From 10:30 p.m. on December 24 until 10:30 p.m. on December 26, the draw need open only if at least two hours notice is given.

* * * * *

4. § 117.757 is revised to read as follows:

§ 117.757 Townsend Inlet

The draw of Townsend Inlet Bridge, mile 0.3 in Avalon, shall open on signal except:

(1) From 9:15 a.m. to 2:30 p.m. on the fourth Sunday in March of every year, the draw need not open for vessels. If the fourth Sunday falls on a religious holiday, the draw need not open from 9:15 a.m. to 2:30 p.m. on the third Sunday of March of every year.

(2) From 11 p.m. on December 24 until 11 p.m. on December 25, the draw need open only if at least two hours notice is given.

Dated: September 28, 2007.

Fred M. Rosa, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. E7–19949 Filed 10–10–07; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2007–0656; FRL–8479–8]

Approval and Promulgation of Air Quality Implementation Plans; State of South Dakota; Revisions to the Administrative Rules of South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of South Dakota on August 8, 2006. The August 8, 2006 submittal revises the Administrative Rules of South Dakota, Air Pollution Control Program, by modifying the chapters pertaining to definitions, ambient air quality, air quality episodes, operating permits for minor sources, performance testing, control of visible emissions, and continuous emission monitoring systems. The intended effect of this action is to make these revisions federally enforceable. We are also

announcing that on July 19, 2007, we updated the delegation of authority for the implementation and enforcement of the New Source Performance Standards to the State of South Dakota. These actions are being taken under sections 110 and 111 of the Clean Air Act.

In the “Rules and Regulations” section of this **Federal Register**, EPA is approving the State’s SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Written comments must be received on or before November 13, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2007–0656, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

- *E-mail:* dygowski.laurel@epa.gov and ostrand.laurie@epa.gov.

- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- *Mail:* Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.

- *Hand Delivery:* Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information. Please see the direct final rule which is located in the Rules Section of this **Federal**

Register for detailed instruction on how to submit comments.

FOR FURTHER INFORMATION CONTACT:

Laurel Dygowski, U.S. EPA Region 8,
1595 Wynkoop Street, Denver, Colorado
80202-1129, (303) 312-6144,
dygowski.laurel@epa.gov.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 14, 2007.

Kerrigan G. Clough,

Acting Regional Administrator, Region 8.

[FR Doc. E7-19832 Filed 10-10-07; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 72, No. 196

Thursday, October 11, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 5, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Certificate for Poultry and Hatching Eggs for Export.

OMB Control Number: 0579-0048.

Summary of Collection: The export of agricultural commodities, including poultry and hatching eggs is a major business in the United States and contributes to a favorable balance of trade. As part of its mission to facilitate the export of U.S. poultry and poultry products, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services, maintains information regarding the import health requirements of other countries for poultry and hatching eggs exported from the U.S. Most countries require a certification that our poultry and hatching eggs are disease free. VS Form 17-6, Certificate for Poultry & Hatching Eggs for Export, is used to meet these requirements.

Need and Use of the Information: APHIS will use VS form 17-6, to collect information on the quantity and type of poultry and hatching egg designated for export. The information is necessary to satisfy the import requirements of the receiving countries and to prevent unhealthy poultry or disease carrying hatching eggs from being exported from the United States, thereby protecting and encouraging trade with the United States and preventing the international dissemination of poultry diseases. If the certification was not provided, other countries would not accept poultry or hatching eggs from the United States.

Description of Respondents: Business or other for-profit.

Number of Respondents: 300.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 4,800.

Animal and Plant Health Inspection Service

Title: Pseudorabies.

OMB Control Number: 0579-0070.

Summary of Collection: Title 7 U.S.C. 8301, The Animal Health Protection Act, authorizes the Animal and Plant Health Inspection Service (APHIS), on behalf of the Secretary of Agriculture, to take such measures as deemed necessary to prevent the introduction or

dissemination of any contagious infections or communicable disease of animals and/or live poultry from a foreign region into the United States or from one State to another. APHIS implements regulations that control and stop the escalating spread of pseudorabies, which is a herpes virus disease that affects many species of animal, but primarily swine. Regulating the interstate movement of swine requires the use of certain information gathering activities such as permits, certificates, and owner-shipper statements to ascertain the health status of the swine.

Need and Use of the Information: The information collected is used by APHIS to monitor the health status of swine being moved, the number of swine being moved in a particular shipment, the shipment's point of origin, the shipment's destination, and the reason for the interstate movement. This information also provides APHIS officials with critical information concerning a shipment's history, which in turn enables APHIS to engage in swift, successful trace back investigations when infected swine are discovered.

Description of Respondents: State, Local, or Tribal Government; Business or other for-profit.

Number of Respondents: 100.

Frequency of Responses:

Recordkeeping; Reporting: On occasion.

Total Burden Hours: 3,125.

Animal and Plant Health Inspection Service

Title: Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm.

OMB Control Number: 0579-0165.

Summary of Collection: Title 21 U.S.C. 117, Animal Industry Act of 2000, authorizes the Secretary to prevent, control, and eliminate domestic diseases such as brucellosis, as well as to take actions to prevent and to manage exotic diseases such as exotic Newcastle disease, screwworm, and other foreign diseases. The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is charged with disease prevention. This agency regulates the importation of animals and animal products into the U.S. to guard against the introduction of exotic animal diseases. The regulations under which APHIS conduct disease prevention activities are contained in

Title 9, Chapter 1, Subchapter D, Parts 91 through 99. These regulations govern the importation of animals, birds and poultry, certain animal and poultry products, and animal germplasm. APHIS requires horses, ruminants, swine, and dogs imported into the United States from regions of the world where screwworm is known to exist to be inspected and, if necessary, treated for infestation with screwworm.

Screwworm is a pest native to tropical areas of South America, the Indian subcontinent, Southeast Asia, tropical and sub-Saharan Africa, and the Arabian Peninsula that causes extensive damage to livestock and other warm-blooded animals.

Need and Use of the Information: Horses, ruminants, swine, and dogs entering the United States from regions where screwworm is known to exist must be accompanied by a certificate, signed by a full-time salaried veterinary official of the exporting country, stating that these animals have been thoroughly examined, that they have been treated with ivermectin, that any visible wounds have been treated with camaphos, and the animals appear to be free of screwworm. This is necessary to prevent the introduction of screwworm into the United States. If the information were collected less frequently or not collected at all, it would significantly cripple APHIS ability to ensure that horses, ruminants, swine, and dogs imported into the United States are not carrying screwworm. Such a development would make a screwworm incursion much more likely, with economically damaging effects on the U.S. equine, cattle, and swine industries.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 40.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 40.

Animal and Plant Health Inspection Service

Title: CSF—Importation of Pork and Pork Products and Live Swine from 4 Mexican States.

OMB Control Number: 0579–0230.

Summary of Collection: Title 21 U.S.C. 117, Animal Industry Act of 2000, authorizes the Secretary of Agriculture to take such measures as deemed proper to prevent the introduction or dissemination of any contagious or communicable disease of animals or live poultry from a foreign country into the United States or from one State to another. Disease prevention is the most effective method for maintaining a healthy animal

population and enhancing the Animal and Plant Health Inspection Service (APHIS) ability to compete in the world market of animal and animal product trade. Veterinary Services, a division with APHIS is responsible for carry out this disease prevention mission. The agency regulates the importation of animals and animal products into the United States to guard against the introduction of exotic animal diseases such as classical swine fever.

Need and Use of the Information: APHIS will collect information using a certificate issued by a salaried veterinary officer of the Government of Mexico. The certificate must identify both the exporting region and the region of origin as a region designated as free of classical swine fever at the time the swine, pork and pork products were in the region. If the information were not collected it would significantly cripple APHIS ability to ensure that swine, pork, and pork products from certain States within Mexico pose a minimal risk of introducing classical swine fever and other exotic animal diseases into the United States.

Description of Respondents: Federal Government.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 50.

Animal and Plant Health Inspection Service

Title: Animal Welfare; Transportation of Animals on International Carriers.

OMB Control Number: 0579–0247.

Summary of Collection: Under the Animal Welfare Act (AWA) (U.S.C. 2131, *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers. The Secretary has delegated the responsibility for administering the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). APHIS intends to begin applying the AWA regulations and standards for the human transportation of animals in commerce to all international carriers operating within the United States, its territories, possessions, or the District of Columbia. APHIS believes that animals being transported by international carriers should be afforded the same protection under the AWA as if domestic carriers were transporting them.

Need and Use of the Information: APHIS will collect information using

APHIS forms 7001, United States Interstate and International Certificate of Health Examination for Small Animals and 7011, Application for Registration. The information collected from the forms is necessary for carriers and intermediate handlers to properly care for and deliver the animals to destination in a speedy and humane manner. The information is also used in documenting instances of violations for possible legal action and for locating facilities or person who are evading regulations under the law. If the information were not collected, full enforcement of the AWA would be limited or totally ineffective.

Description of Respondents:

Individuals or households; Not-for-profit institutions.

Number of Respondents: 20.

Frequency of Responses:

Recordkeeping; Reporting: On occasion.

Total Burden Hours: 175.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–20090 Filed 10–10–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0092]

Notice of Request for Extension of Approval of an Information Collection; Swine Health Protection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the swine health protection program.

DATES: We will consider all comments that we receive on or before December 10, 2007.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>, select "Animal and Plant Health Inspection Service" from the agency drop-down menu, then click "Submit." In the Docket ID column, select APHIS–2007–0092 to submit or view public comments and to view supporting and related materials available

electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. APHIS-2007-0092, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2007-0092.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

FOR FURTHER INFORMATION CONTACT: For information on the swine health protection program, contact Dr. David Pyburn, Senior Staff Veterinarian, Aquaculture, Swine, Equine and Poultry Programs, NCAHP, VS, APHIS, 210 Walnut Street Room 891, Des Moines, IA 50309; (515) 284-4122. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

SUPPLEMENTARY INFORMATION:

Title: Swine Health Protection.

OMB Number: 0579-0065.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture regulates the importation and interstate movement of animals and animal products, and conducts various other activities to protect the health of our Nation's livestock and poultry.

The Swine Health Protection Act prohibits the feeding of garbage to swine unless the garbage has been treated to kill disease organisms. Untreated garbage is one of the primary media through which numerous infectious and communicable diseases can be transmitted to swine. APHIS' regulations promulgated under the

Swine Health Protection Act, which are located at 9 CFR part 166, require that, before garbage may be fed to swine, it must be treated at a facility holding a valid permit to treat the garbage and must be treated according to the regulations.

APHIS requires certain information in order to license (issue a permit to) a facility to operate and in order to monitor the facility for compliance with the regulations. This information is collected from applications for a license to operate a garbage treatment facility, records of the destination and date of removal of all food waste or garbage from the treatment facility, and food waste reports. With this information, we are able to carefully monitor garbage treatment facilities to ensure that they are meeting our requirements. The information provided by these information collection activities is critical in preventing the interstate spread of various swine diseases and, therefore, plays a vital role in our swine health protection program.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

- (2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.927559193 hours per response.

Respondents: Owners/operators (licensees) of garbage treatment facilities, State animal health authorities, and herd owners.

Estimated annual number of respondents: 1,916.

Estimated annual number of responses per respondent: 5.929540709.

Estimated annual number of responses: 11,361.

Estimated total annual burden on respondents: 10,538 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 4th day of October 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7-20046 Filed 10-10-07; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-412-822]

Stainless Steel Bar From the United Kingdom: Notice of Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Dates:* October 11, 2007.

SUMMARY: Swagelok Company (Swagelok), an interested party, filed a request for the Department to initiate a changed circumstances review of the antidumping duty order on stainless steel bar from the United Kingdom. Carpenter Technology Corp., Crucible Specialty Metals Division of Crucible Materials Corp., Electralloy Corp., North American Stainless, Universal Stainless & Alloy Products, Inc., and Valbruna Slater Stainless, Inc. (collectively the Domestic Industry) submitted a letter to the Department expressing a lack of interest in continuing to have the product in question subject to the antidumping duty order. The Domestic Industry also stated that it is a major domestic producer of stainless steel bar. Therefore, we are notifying the public of our intent to revoke, in part, the antidumping duty order as it relates to imports of SAF 2507 grade stainless steel bar from the United Kingdom. Interested parties are invited to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Rebecca Trainor, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4929 or (202) 482-4007, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 2002, the Department published in the **Federal Register** an antidumping duty order on stainless steel bar from the United Kingdom. *See Antidumping Duty Order: Stainless Steel Bar from the United Kingdom*, 67 FR 10381 (March 7, 2002). On August 27, 2007, Swagelok, an interested party, requested that the Department initiate a changed circumstances review to exclude a certain stainless steel bar product (SAF 2507 grade bar) from the antidumping duty order on stainless steel bar from the United Kingdom. On September 18, 2007, the Domestic Industry submitted a letter affirming that the Domestic Industry does not object to the exclusion of the product identified in the August 27, 2007, request submitted by Swagelok for a changed circumstances review with respect to the antidumping duty order on stainless steel bar from the United Kingdom. On September 21, 2007, the petitioners submitted a statement affirming that they account for substantially all of the U.S. production of stainless steel bar, exceeding 85 percent of total domestic production. On September 25, 2007, Sandvik Bioline, a U.K. producer of stainless steel bar, provided a technical description of the stainless steel bar product Swagelok has requested to be excluded from the scope of the antidumping duty order.¹

Scope of the Order

For purposes of this order, the term "stainless steel bar" includes articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections. The stainless steel bar subject to this order is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Order in Part

At the request of Swagelok, and in accordance with sections 751(d)(1) and 751(b)(1) of the Act, and 19 CFR 351.216, the Department is initiating a changed circumstances review of the antidumping duty order on stainless steel bar from the United Kingdom to determine whether partial revocation of this order is warranted with respect to SAF 2507 grade stainless steel bar. Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that the Department may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have no further interest in the order, in whole or in part. In addition, in the event that the Department determines that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

In accordance with section 751(b) of the Act, and 19 CFR 351.222(g)(1)(i) and 351.221(c)(3), we are initiating this changed circumstances review and have determined that expedited action is warranted. We find that the petitioners' affirmative statement of no interest constitutes good cause for the conduct of this review. Additionally, our decision to expedite this review stems from the Domestic Industry's lack of interest in applying the antidumping duty order to the specific stainless steel

bar product (*i.e.*, SAF 2507 grade bar) covered by this request.

Based on the expression of no interest by the petitioners and absent any objection by any other domestic interested parties, we have preliminarily determined that substantially all of the domestic producers of the like product have no interest in the continued application of the antidumping duty order on stainless steel bar to SAF 2507 grade bar. Therefore, we are notifying the public of our intent to revoke, in part, the antidumping duty order as it relates to imports of SAF 2507 grade stainless steel bar from the United Kingdom.

We intend to change the scope of the order with respect to excluded products to read as follows:

Except as specified above, the scope does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), products that have been cut from stainless steel sheet, strip or plate, wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

Also excluded from the scope of the order is grade SAF 2507 stainless steel bar. SAF 2507 is cold worked and finished Super Duplex stainless steel bar material in round and hexagonal form, conforming to UNS S32750, having elevated ultimate tensile strength in excess of 140Ksi minimum and a PRE (pitting resistant equivalent) value of 42.5 minimum, supplied in straight bar lengths. SAF 2507 grade stainless steel bar is currently classified under HTSUS subheadings 7222.20.00.45 and 7222.20.00.75.

Public Comment

Interested parties are invited to comment on these preliminary results. Written comments may be submitted no later than 14 days after the date of publication of these preliminary results. Rebuttals to written comments, limited to issues raised in such comments, may be filed no later than 21 days after the date of publication. The Department will issue the final results of this changed circumstances review, which will include the results of its analysis raised in any such written comments, no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary results. *See* 19 CFR 351.216(e).

If final revocation occurs, we will instruct U.S. Customs and Border Protection to end the suspension of

¹ Sandvik Bioline is the producer of the product which is the subject of Swagelok's changed circumstances review request.

liquidation for the merchandise covered by the revocation on the effective date of the notice of revocation and to release any cash deposit or bond. See 19 CFR 351.222(g)(4). The current requirement for a cash deposit of estimated antidumping duties on all subject merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This initiation and preliminary results of review are in accordance with section 751(b) of the Act and 19 CFR 351.216, 351.221, and 351.222.

October 4, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7-20065 Filed 10-10-07; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

A-570-890

Wooden Bedroom Furniture from the People's Republic of China: Extension of Time Limits for the Preliminary Results of the Antidumping Duty Administrative Review and New Shipper Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

OCTOBER 11, 2007.

FOR FURTHER INFORMATION CONTACT: Paul Stolz, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4474.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") published an antidumping duty order on wooden bedroom furniture ("WBF") from the People's Republic of China ("PRC") on January 4, 2005. See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China*, 70 FR 329 (January 4, 2005). On March 7, 2007, the Department published in the **Federal Register** a notice of the initiation of the antidumping duty administrative review of WBF from the PRC and new shipper reviews for the period January 1, 2006 through December 31, 2006. See *Notice of Initiation of Administrative Review of*

the Antidumping Duty Order on Wooden Bedroom Furniture From the People's Republic of China, 72 FR 10159 (March 7, 2007) and *Wooden Bedroom Furniture from the People's Republic of China: Initiation of New Shipper Reviews*, 72 FR 10158 (March 7, 2007). On August 27, 2007, the Department aligned the deadlines and the time limits of the new shipper reviews of WBF with the 2006 administrative review of WBF. See Memorandum to the File from Gene Degnan, Case Analyst, through Wendy Frankel, Office Director, dated August 27, 2007. The preliminary results of these reviews are currently due no later than October 3, 2007.

Extension of Time Limit of Preliminary Results.

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department to issue preliminary results within 245 days after the last day of the anniversary month of an order. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time period to a maximum of 365 days. Completion of the preliminary results of these reviews within the 245-day period is not practicable because the Department needs additional time to analyze information pertaining to the respondents' sales practices, factors of production, and corporate relationships, to evaluate certain issues raised by the petitioners, and to issue and review responses to supplemental questionnaires.

Because it is not practicable to complete these reviews within the time specified under the Act, we are fully extending the time period for issuing the preliminary results of review to 365 days until January 31, 2008, in accordance with section 751(a)(3)(A) of the Act. The final results continue to be due 120 days after the publication of the preliminary results. This notice is published pursuant to sections 751(a) and 777(i) of the Act.

Dated: October 1, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-20069 Filed 10-10-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Revocation of Export Trade Certificate of Review; Application No. 99-00003.

SUMMARY: The Secretary of Commerce issued an Export Trade Certificate of Review to JV Export Trading Company, Inc. on November 23, 1999. Because this Certificate Holder has failed to file an annual report as required by law, the Secretary is revoking the certificate. This notice summarizes the notification letter sent to JV Export Trading Company, Inc.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, 202/482-5131. This is not a Toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("The Act") (Pub. L. 97-290, 15 U.S.C. 4011-21) Authorizes the Secretary of Commerce to Issue Export Trade Certificates of Review. The Regulations Implementing Title III ("the Regulations") are found at 15 CFR Part 325 (1999). Pursuant to this Authority, a Certificate of Review was issued on November 23, 1999 to JV Export Trading Company, Inc.

A Certificate Holder is required by law to submit to the Secretary of Commerce Annual Reports that update financial and other information relating to business activities covered by its Certificate (Section 308 of the Act, 15 U.S.C. 4018, Section 325.14(a) of the Regulations, 15 CFR 325.14(a)). The Annual Report is due within 45 days after the Anniversary Date of the Issuance of the Certificate of Review (Sections 325.14(b) of the Regulations, 15 CFR 325.14(b)). Failure to submit a complete Annual Report may be the Basis for Revocation (Sections 325.10(a) and 325.14(c) of the Regulations, 15 CFR 325.10(a)(3) and 325.14(c)). On November 13, 2006, the Secretary of Commerce sent to JV Export Trading Company, Inc., a letter containing Annual Report questions stating that its annual report was due on January 7, 2007. A reminder was sent on July 16, 2007, with a due date of August 17, 2007. The Secretary has received no written response from JV Export Trading Company, Inc., to any of these letters. On August 27, 2007, and in accordance with Section 325.10(c)(1) of the Regulations, (15 CFR 325.10(c)(1)), the Secretary of Commerce sent a letter by Certified Mail to notify JV Export

Trading Company, Inc., that the Secretary was formally initiating the process to revoke its Certificate for failure to file an annual report. The Secretary has received no response from JV Export Trading Company, Inc. Pursuant to Section 325.10(c)(2) of the Regulations (15 CFR 325.10(c)(2)), the Secretary considers the failure of JV Export Trading Company, Inc., to respond to be an admission of the statements contained in the notification letter. The Secretary has determined to revoke the Certificate issued to JV Export Trading Company, Inc., for its failure to file an annual report. The Secretary has sent a letter, dated October 4, 2007 to notify the JV Export Trading Company, Inc., of its final determination.

The Revocation is effective thirty (30) days from the date of publication of this notice (325.10(c)(4) of the Regulations, 15 CFR 325.10(c)). Any person aggrieved by this decision may appeal to an appropriate U.S. District Court within 30 days from the date of publication of this notice in the **Federal Register** (15 CFR 325.11 of the Regulations).

October 4, 2007.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E7-20040 Filed 10-10-07; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648-XD15]

Marine Mammals; File No. 774-1847-02

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that NMFS Southwest Fisheries Science Center, Antarctic Marine Living Resources Program (Rennie Holt, Ph.D., Principal Investigator), 8604 La Jolla

Shores Drive, La Jolla, CA 92037 has been issued an amendment to scientific research Permit No. 774-1847-01.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

FOR FURTHER INFORMATION CONTACT: Kate Swails or Tammy Adams, (301)713-2289.

SUPPLEMENTARY INFORMATION: On August 29, 2007 notice was published in the **Federal Register** (72 FR 49703) that an amendment of Permit No. 774-1847-01, issued March 20, 2007 (72 FR 13093) had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 774-1847-01 authorizes the permit holder to continue a long-term ecosystem monitoring program of pinniped species in the South Shetland Islands, Antarctica. The permit holder is authorized to take up to 710 Antarctic fur seals (*Arctophalus gazell*) and 20 leopard seals (*Hydrurga leptonyx*) annually. The animals are captured, measured, weighed, tagged, blood sampled, and have time-depth recorders, VHF transmitters, and platform terminal transmitters attached. A subset of fur seals are given an enema, have a tooth extracted, milk sampled, and are part of a doubly-labeled water study on energetics. A subset of leopard seals are blubber and muscle sampled. Annual research-related mortality of up to eight Antarctic fur seals (3 adults and 5 pups) and two leopard seals is also authorized.

The amendment authorizes the permit holder to collect vibrissae from any

adult/juvenile animal currently permitted for capture and to collect tissue samples and bleach mark 50 adult male Antarctic fur seals. Additional capture is not required to collect these samples.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: October 3, 2007.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7-20098 Filed 10-5-07; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 07-35]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 07-35 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: October 3, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

SEP 28 2007

In reply refer to:
I-07/007595-CFM

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 07-35, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services estimated to cost \$125 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

A handwritten signature in cursive script, reading "Richard J. Millies", is positioned above the typed name and title.

Richard J. Millies
Deputy Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Same ltr to:

House

Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations

Senate

Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations

Transmittal No. 07-35

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

- (i) Prospective Purchaser: Egypt
- (ii) Total Estimated Value:
- | | |
|--------------------------|----------------------|
| Major Defense Equipment* | \$100 million |
| Other | \$ <u>25 million</u> |
| TOTAL | \$125 million |
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 139 RIM-116B Block 1A Rolling Airframe Missiles (RAM) with MK-44 Guided Missile Round Packs, containers, support equipment, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government, contractor engineering and logistics technical support services, and other related elements of logistics support.
- (iv) Military Department: Navy (ACP)
- (v) Prior Related Cases, if any: none
- (vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none
- (vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.
- (viii) Date Report Delivered to Congress: SEP 28 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION**Egypt – RIM-116B Block 1A Rolling Airframe Missiles**

The Government of Egypt has requested a possible sale of up to 139 RIM-116B Block 1A Rolling Airframe Missiles (RAM) with MK-44 Guided Missile Round Packs, containers, support equipment, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government, contractor engineering and logistics technical support services, and other related elements of logistics support. The estimated cost is \$125 million.

This proposed sale would contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East. This sale is consistent with these U.S. objectives and with the 1950 Treaty of Mutual Cooperation and Security.

This proposed sale of 139 MK-116B Block 1A RAM and MK-44 Guided Missiles Round Packs (GMRP) provides the weapons employed by the MK-31 RAM Guided Missile Weapons System (GMWS) included on the Egyptian Fast Missile Craft (FMC). The RAM- GMWS and missile when coupled with the MK-15B PHALANX Close In Weapon System provides the FMC and the Egyptian Navy with effective defense against helicopters, anti-ship missiles, aircraft, and small surface craft. This capability is critical for the FMC to effectively provide security in the approaches to the Suez Canal and the Egyptian littoral.

The prime contractor will be Raytheon Systems Corporation, Tucson, Arizona. There are no offset agreements associated with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U. S. Government or contractor personnel in country.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 07-35

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended**

**Annex
Item No. vii**

(vii) Sensitivity of Technology:

1. The Rolling Airframe Missile (RIM-116B) is delivered in a sealed container (MK 8 Launching Canister); together, these are designated as the MK-44 Guided Missile Round Pack (GMRP). The GMRP delivery includes tri-pack shipping containers and technical manuals.

2. The Rolling Airframe Missile is a surface-launched missile system. It is a highly effective near-in defense system against helicopters, anti-ship missiles/aircraft and small surface craft. The proposed sale of the RIM-116B RAM and the MK-44 GMRP will result in the transfer of classified information and material to Egypt.

3. The RIM-116B and MK-44 contains sensitive technology and have classified components, including applicable technical and equipment documentation and manuals: The RIM-116B Block 1A Rolling Airframe Missile (RAM) is Confidential when not installed in its canister. The Guidance section, seeker, Infrared electronics, guidance and control computer; Encrypted Telemeters and Target Detector are considered Confidential.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon systems effectiveness or could be used in the development of a system with similar or advanced capabilities.

[FR Doc. 07-5015 Filed 10-10-07; 8:45 am]
BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE**Office of the Secretary****Sunshine Act Meeting: Missile Defense Advisory Committee (MDAC)**

AGENCY: Department of Defense; Missile Defense Agency (MDA).

ACTION: Cancellation of Meeting Notice.

SUMMARY: Previously, the Department of Defense announced a closed meeting of the Missile Defense Advisory Committee for October 11-12, 2007 on August 24, 2007 (72 FR 48619).

Due to the last minute unavailability of a quorum of the committee, the

Department of Defense hereby announces the cancellation of the previously scheduled meeting. At this date, neither the Department of Defense nor the committee's Designated Federal Officer has plans to reschedule the meeting.

Since the scheduling changes were subsequent to the committee publishing its meeting notice in the **Federal Register** and fall within the 15-day notification period required by 41 CFR 102-3.150(a), the Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement for the cancellation notice.

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may be submit written

statements to the Missile Defense Advisory Committee about the committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Missile Defense Advisory committee.

All written statements shall be submitted to the Designated Federal Officer for the Missile Defense Advisory Committee, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Officer can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

The Designated Federal Officer, pursuant to 41 CFR 102-3.150, will announce planned meetings of the

Missile Defense Advisory Committee. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

FOR FURTHER INFORMATION CONTACT: COL Mark Zamberlan, Designated Federal Official (DFO) at mdac@mad.mil, phone/voice mail (703) 695-6438, or mail at 7100 Defense Pentagon, Washington, DC 20301-7100.

Dated: October 5, 2007.

L.M. Bynum,

*OSD Federal Register Liaison, Office,
Department of Defense.*

[FR Doc. 07-5039 Filed 10-9-07; 10:17 am]

BILLING CODE 5001-06-M

DEPARTMENT OF EDUCATION

National Board for Education Sciences; Notice of an Open Meeting

AGENCY: Department of Education, Institute of Education Sciences.

ACTION: Notice of an Open Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming open meeting of the National Board for Education Sciences. The notice also describes the functions of the committee. Notice of this meeting is required by Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES: October 30 and 31, 2007.

Times: October 30, 2 p.m. to 4:30 p.m.; October 31, 8:30 a.m. to 2 p.m.

ADDRESSES: Washington Court Hotel, 525 New Jersey Ave., NW., Washington, DC 20001, room to be announced.

FOR FURTHER INFORMATION CONTACT:

Norma Garza, Executive Director, National Board for Education Sciences, 555 New Jersey Ave., NW., Room 627 H, Washington, DC 20208; phone: (202) 219-2195; fax: (202) 219-1466; e-mail: Norma.Garza@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The National Board for Education Sciences is authorized by Section 116 of the Education Sciences Reform Act of 2002. The Board advises the Director of the Institute of Education Sciences (IES) on the establishment of activities to be supported by the Institute, on the funding for applications for grants, contracts, and cooperative agreements for research after the completion of peer

review, and reviews and evaluates the work of the Institute.

On October 30, the Board will receive a briefing from the Director of IES and its staff on its activities and progress reports on projects under way since June 2007.

On October 31, the Board will discuss a current contract to evaluate the work of the Institute since its inception in 2002 and another that supports the work of the What Works Clearinghouse. Reports from the Legislation and Communications Committees will follow, and the meeting will conclude after a summary of views and discussion of next steps. The meeting will adjourn at 2 p.m.

A final agenda will be available from Norma Garza (see contact information above) on October 12. Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting devices, assistance listening devices, or materials in alternative format) should notify Norma Garza no later than October 19. We will attempt to meet requests for accommodations after this date but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Records are kept of all committee proceedings and are available for public inspection at 555 New Jersey Ave., NW., Room 627 H, Washington, DC 20208, from the hours of 9 a.m. to 5 p.m. Monday through Friday.

Electronic Access to This Document: You may view this document as well as all other documents of this Department published in the **Federal Register** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/federal-register/index.html>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll-free at 1-888-293-6498, or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Grover J. Whitehurst,

Director, Institute of Education Sciences.

[FR Doc. E7-20010 Filed 10-10-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

National Mathematics Advisory Panel

AGENCY: U.S. Department of Education, National Mathematics Advisory Panel.

ACTION: Notice of open meeting & public hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting, including a public hearing, with members of the National Mathematics Advisory Panel. The notice also describes the functions of the Panel. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES: Tuesday, October 23 and Wednesday, October 24, 2007.

Times: Tuesday, October 23, 3 p.m.–6 p.m. and Wednesday, October 24, 8:15 a.m.–12:30 p.m.

ADDRESSES: Arizona State University, Memorial Union Alumni Lounge (Room 202), University Drive and Mill Avenue, Tempe, AZ 85287-0112.

FOR FURTHER INFORMATION CONTACT:

Tyrrell Flawn, Executive Director, National Mathematics Advisory Panel, 400 Maryland Avenue, SW., Washington, DC 20202; telephone: (202) 260-8354.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Panel was established by Executive Order 13398. The purpose of this Panel is to foster greater knowledge of and improved performance in mathematics among American students, in order to keep America competitive, support American talent and creativity, encourage innovation throughout the American economy, and help State, local, territorial, and tribal governments give the nation's children and youth the education they need to succeed.

The meeting will be held at Arizona State University in Tempe, AZ. The meeting begins on Tuesday, October 23 at 3 p.m. From 3 p.m. to 4 p.m. the Panel will receive public comment on the Executive Order and the Panel's work. From 4:15 p.m. to 6 p.m. the Panel will discuss the structure and key messages of the Final Report. On Wednesday, October 24, the meeting begins at 8:15 a.m. with introductory remarks by Dr. Larry Faulkner, Chair of the National Mathematics Advisory Panel, and Dr. Michael M. Crow, President of Arizona State University. From 8:30 a.m. to 12:30 p.m., the Panel

will continue its discussion of the structure and key messages of the Final Report. Individuals interested in attending the meeting are advised to register in advance to ensure space availability. Please contact Jennifer Graban at Jennifer.Graban@ed.gov by Monday, October 15, 2007.

If you are interested in giving testimony during the public comment session on October 23, please contact Jennifer Graban at Jennifer.Graban@ed.gov by Monday, October 15, 2007, to reserve time on the agenda. Presenters are encouraged to address one or more of the topics covered in the Executive Order. (Please refer to the Web site at <http://www.ed.gov/mathpanel> for more information on the elements of the Executive Order.) Please include your name, the organization you represent, and a brief description of the issue you would like to present. Presenters will be allowed three to five minutes to make their comments. Presenters are requested to submit three written copies and an electronic file (CD or diskette) of their comments at the meeting, which should be labeled with their name and contact information. Individuals solely interested in attending the meeting are advised to register in advance to ensure space availability.

Given the expected number of individuals interested in providing comments at the meeting, reservations for presenting comments should be made as soon as possible. Reservations will be processed on a first-come, first-served basis. Persons who are unable to obtain reservations to speak during the meeting are encouraged to submit written comments. Written comments will be accepted at the meeting site or via e-mail at NationalMathPanel@ed.gov. If you will be e-mailing written comments, please do so by Monday, October 15, 2007. Please note that comments submitted to the National Mathematics Advisory Panel in any format—through e-mail, the U.S. postal service and/or in person during the public comment sessions at meetings—are considered to be part of the public record of the Panel's deliberations, and will be posted on the Web site.

The Panel has submitted its Preliminary Report to the President, through the U.S. Secretary of Education. The Preliminary Report is available at <http://www.ed.gov/mathpanel>. The Final Report will be submitted not later than February 28, 2008, and will, at a minimum, contain recommendations on improving mathematics education based on the best available scientific evidence.

The meeting site is accessible to individuals with disabilities. Individuals who will need accommodations in order to attend the meeting, such as interpreting services, assistive listening devices, or materials in alternative format, should notify Jennifer Graban at Jennifer.Graban@ed.gov no later than Monday, October 15, 2007. We will attempt to meet requests for accommodations after this date, but cannot guarantee their availability.

Records are kept of all Panel proceedings and are available for public inspection at the staff office for the Panel, from the hours of 9 a.m. to 5 p.m., Monday through Friday.

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister/index.html>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: October 4, 2007.

Margaret Spellings,

Secretary, U.S. Department of Education.

[FR Doc. E7-19990 Filed 10-10-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, November 1, 2007. 9 a.m.–5 p.m.; Friday, November 2, 2007. 8:30 a.m.–4 p.m.

ADDRESSES: Red Lion Hanford House, 802 George Washington Way, Richland,

Washington, Phone: (509) 946-7611, Fax: (509) 943-8564.

FOR FURTHER INFORMATION CONTACT: Erik Olds, Federal Coordinator, Department of Energy Richland Operations Office, 2440 Stevens Drive, P.O. Box 450, H6-60, Richland, WA, 99352; Phone: (509) 372-8656; or E-mail:

Theodore_E_Erik_Olds@orp.doe.gov.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Debrief from Tri-Party Agreement Negotiations Public Workshop.
- Update on Demonstration Bulk Vitrification System Critical Decision 2.
- Discussion on the Hanford Advisory Board Process Manual.
- Tank Waste Committee Updates, includes Tank S-102 Spill event and investigation update; Mission Completion Study; Tank Waste Program Path Forward System Integration; Department of Energy (DOE) Office of River Protection's input to the draft Technology Roadmap and alternatives within; and Tank Closure and Waste Management Environmental Impact Statement.
- River and Plateau Committee Updates, includes draft advice to DOE on readability of technical reports, Comprehensive Land Use Plan and Groundwater and Vadose Zone.
- Budget and Contracts Committee Updates, includes Fiscal Year 2008 Budget Appropriations and Request for Proposals due mid-September.
- Debrief from the EM SSAB Chairs meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Erik Olds' office at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Erik Olds' office at the address or phone number listed above. Minutes will also be available at the

following Web site <http://www.hanford.gov/?page=413&parent=397>.

Issued at Washington, DC, on October 4, 2007.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E7-20032 Filed 10-10-07; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, November 6, 2007. 6 p.m.

ADDRESSES: Amargosa Community Center, 821 East Amargosa Farm Road, Amargosa Valley, Nevada 89020.

FOR FURTHER INFORMATION CONTACT:

Rosemary Rehfeldt, Board Administrator, 232 Energy Way, M/S 505, North Las Vegas, Nevada 89030. Phone: (702) 657-9088; Fax (702) 295-5300 or E-mail: ntscab@nv.doe.gov.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation on the Underground Test Area Committee's Well Recommendation Reports.
2. Review of EM SSAB Chairs Meeting in Paducah, Kentucky.
3. Review of recommendation letter for expansion of Community Outreach program.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Rosemary Rehfeldt at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that

will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing to Rosemary Rehfeldt at the address listed above or at the following Web site <http://www.ntscab.com/MeetingMinutes.htm>.

Issued at Washington, DC, on October 5, 2007.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E7-20034 Filed 10-10-07; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR07-11-002]

Arkansas Western Gas Company; Notice of Refund Report and Revised Rate Sheet to Operating Statement

October 3, 2007.

Take notice that on October 1, 2007, Arkansas Western Gas Company filed a refund report and revised rate sheet to its operating statement in the above-docketed proceeding.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time October 17, 2007.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20022 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05-144-002]

Columbia Gas Transmission Corporation; Notice of Compliance Filing

October 3, 2007.

Take notice that on October 1, 2007, Columbia Gas Transmission Corporation, (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, with a November 1, 2007 effective date.

Columbia states that the filing is being made in compliance with the Commission's November 1, 2005 Order in the above-referenced proceeding.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time October 18, 2007.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20012 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP04-13-004]

Saltville Gas Storage Company, LLC; Notice of Application

October 3, 2007.

Take notice that on September 28, 2007, Saltville Gas Storage Company, LLC (Saltville), 5400 Westheimer Court, Houston, Texas 77056, pursuant to section 7 of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, filed an abbreviated application to amend the certificate of public convenience and necessity issued to Saltville on June 14, 2004. Specifically, Saltville seeks authority to decrease its certificated capacity from 6.75 Bcf (4.79 Bcf working gas) to 4.7 Bcf (3.0 Bcf working gas), reduce the maximum daily injection rate from 220 MMcf/day to 180 MMcf per day, reduce the maximum daily withdrawal rate from 550 MMcf/day to 275 MMcf/day, remove the requirement to conduct sonar surveys every five years, and clarify the method for subsequent mechanical integrity testing. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "e-Library" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport or call toll-free, (866) 208-3676, or for TTY, (202) 502-8659.

Any questions regarding this application should be directed to Garth

Johnson, Director, Certificates and Reporting, Saltville Gas Storage Company, LLC, 5400 Westheimer Court, Houston, Texas 77056, phone: (713) 627-5415.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this Project. First, any person wishing to obtain legal status by becoming a party to the proceeding for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's

rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see 18 CFR 285.2001(a)(1)(iii) and the instructions on the Commission's website under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: October 24, 2007.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20023 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TS06-11-000; TS06-11-001]

Wabash Valley Power Association, Inc.; Notice of Filing

October 3, 2007.

Take notice that on July 3, 2007, Wabash Valley Power Association, Inc. (Wabash Valley) filed a supplement to its request for an exemption from the Commission order on its request for exemption from the Commission's Standards of Conduct Requirements under Order No. 2004, FERC Statutes & Regulations 31,355 (2003). Wabash Valley filed its application pursuant to Part 358.1(c) of the Commission's regulations.

Wabash Valley states that copies of the filing were served upon the public

utility commission in Illinois, Michigan, Indiana, Ohio and Missouri.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time Tuesday, October 9, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-20011 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 4, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08-1-000.

Applicants: Milliken & Company, Lockhart Power Company.

Description: Milliken & Co and Lockhart Power Co submit a joint application for approval of corporate reorganization.

Filed Date: 10/01/2007.

Accession Number: 20071003-0017.

Comment Date: 5 p.m. Eastern Time on Monday, October 22, 2007.

Docket Numbers: EC08-2-000.

Applicants: Babcock & Brown Renewable Holdings Inc., Cedar Creek Wind Holdings LLC, Cedar Creek Wind Energy, LLC, CCWE Holdings LLC, Babcock & Brown Cedar Creek LLC, BP Wind Energy North America Inc.

Description: Babcock & Brown Renewable Holdings Inc. *et al.* submit an application for order authorizing Transfer of Control of Jurisdictional Facilities under section 203 of the Federal Power Act.

Filed Date: 10/01/2007.

Accession Number: 20071003-0055.

Comment Date: 5 p.m. Eastern Time on Monday, October 22, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER05-1410-006.

Applicants: PJM Interconnection, LLC.

Description: PJM Interconnection, LLC submits revisions to the PJM Open Access Transmission Tariff to incorporate certain changes mandated by the December 22 Order.

Filed Date: 09/24/2007.

Accession Number: 20070926-0113.

Comment Date: 5 p.m. Eastern Time on Monday, October 15, 2007.

Docket Numbers: ER07-1014-001.

Applicants: NSTAR Electric Company.

Description: NSTAR Electric Co submits an update to its annual informational filing.

Filed Date: 10/01/2007.

Accession Number: 20071003-0023.

Comment Date: 5 p.m. Eastern Time on Monday, October 22, 2007.

Docket Numbers: ER07-1069-002.

Applicants: American Electric Power Service Corporation.

Description: American Electric Power Service Corp on behalf of Public Service Company of Oklahoma *et al* submits compliance filing providing for changes to its proposed formula rate.

Filed Date: 10/01/2007.

Accession Number: 20071003-0142.

Comment Date: 5 p.m. Eastern Time on Monday, October 22, 2007.

Docket Numbers: ER07-1102-002.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, LLC submits a revised Network

Integration Transmission Service Agreement with the City of Batavia.

Filed Date: 09/28/2007.

Accession Number: 20071003-0021.

Comment Date: 5 p.m. Eastern Time on Friday, October 19, 2007.

Docket Numbers: ER07-1232-001.

Applicants: UniSource Energy Development Company.

Description: UniSource Energy Development Co submits Exhibit A as a supplement to its 8/1/07 filing of a Market-Based Rate Tariff.

Filed Date: 09/07/2007.

Accession Number: 20070911-0063.

Comment Date: 5 p.m. Eastern Time on Monday, October 15, 2007.

Docket Numbers: ER07-1263-002.

Applicants: High Sierra Power Marketing, LLC.

Description: High Sierra Power Marketing LLC submits Substitute Original Sheet 1, 2, 3 to its FERC Electric Tariff, Original Volume 1.

Filed Date: 10/02/2007.

Accession Number: 20071004-0133.

Comment Date: 5 p.m. Eastern Time on Thursday, October 11, 2007.

Docket Numbers: ER07-1264-002.

Applicants: Sierra Power Asset Marketing, LLC.

Description: Sierra Power Asset Marketing LLC submits Substitute Original Sheet 1, 2, and 3 to its FERC Electric Tariff, Original Volume 1.

Filed Date: 10/02/2007.

Accession Number: 20071004-0134.

Comment Date: 5 p.m. Eastern Time on Thursday, October 11, 2007.

Docket Numbers: ER07-1278-001.

Applicants: Alpha Energy Master, Ltd. *Description:* Alpha Energy Master Ltd submits an Amended Petition for Acceptance of Initial Tariff, Waiver and Blanket Authority and requests acceptance of FERC Electric Tariff, Original Volume 1.

Filed Date: 10/02/2007.

Accession Number: 20071004-0135.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 23, 2007.

Docket Numbers: ER07-1306-002.

Applicants: NedPower Mount Storm, L.L.C.

Description: MedPower Mount Storm, LLC submits a supplemental amendment to its application for order accepting market-based rate tariff.

Filed Date: 10/02/2007.

Accession Number: 20071003-0029.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 23, 2007.

Docket Numbers: ER07-1341-001.

Applicants: York Generation Company LLC.

Description: York Generation Co, LLC submits revised tariff sheets to its notice of succession filed on 9/4/07.

Filed Date: 10/01/2007.

Accession Number: 20071003-0024.

Comment Date: 5 p.m. Eastern Time on Monday, October 22, 2007.

Docket Numbers: ER07-1409-000.

Applicants: Sierra Pacific Power Company, Nevada Power Company.

Description: Sierra Pacific submits a request for shortened comment period for Nevada Power Co and Sierra Pacific Power Co.

Filed Date: 09/28/2007.

Accession Number: 20071003-0018.

Comment Date: 5 p.m. Eastern Time on Friday, October 19, 2007.

Docket Numbers: ER08-12-000.

Applicants: Central Vermont Public Service Corporation.

Description: The Vermont Joint Owner's request for limited waiver of the date for submission of composite offer forms under Market Rule 1 re Central Vermont Public Service Corporation *et al.*

Filed Date: 10/02/2007.

Accession Number: 20071004-0136.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 23, 2007.

Docket Numbers: ER08-13-000.

Applicants: MXEnergy Electric (PA).

Description: MXEnergy Electric submits a notice of cancellation of its Rate Schedule FERC 2, First Revised Sheet 1-5.

Filed Date: 10/02/2007.

Accession Number: 20071004-0137.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 23, 2007.

Docket Numbers: ER08-14-000.

Applicants: Alpha Domestic Power Trading, L.L.C.

Description: Alpha Domestic Power Trading, LLC submits FERC Electric Tariff, Original Volume 1.

Filed Date: 10/02/2007.

Accession Number: 20071004-0138.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 23, 2007.

Docket Numbers: ER08-15-000.

Applicants: Midwest ISO Transmission Owners.

Description: Midwest ISO Transmission Owners submits a new Schedule 2-A concerning compensation of generators for provision of Reactive Supply & Voltage Control from Generation Sources Service.

Filed Date: 10/02/2007.

Accession Number: 20071004-0139.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 23, 2007.

Docket Numbers: ER08-16-000.

Applicants: Westar Energy, Inc.

Description: Kansas Gas and Electric Co and Westar Energy, Inc submits a Notice of Cancellation of an Agreement for Wholesale Electric Service with City of Haven, Kansas.

Filed Date: 10/02/2007.

Accession Number: 20071004-0140.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 23, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Acting Deputy Director.

[FR Doc. E7-20026 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P-11214-015]

City of Carlyle, IL; Notice of Application for Surrender of License and Soliciting Comments, Motions To Intervene, and Protests

October 3, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Surrender of License.

b. *Project No.:* 11214-015.

c. *Date Filed:* September 20, 2007.

d. *Applicant:* City of Carlyle, Illinois.

e. *Name of Project:* Carlyle Project.

f. *Location:* On Kaskaskia River in Clinton County, Illinois. The project occupies lands of the United States managed by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Mr. John Hodapp, Electric Foreman, City of Carlyle, 850 Franklin Street, Carlyle, IL 62231; telephone (618) 594-5215 or Donald H. Clarke, Counsel for the City of Carlyle, Law Offices of GKRSI, 1500 K Street, NW., Suite 300, Washington, DC 20005; telephone (202) 408-5400.

i. *FERC Contact:* Diane M. Murray, Telephone (202) 502-8838, and e-mail diane.murray@ferc.gov.

j. *Deadline for filing comments, motions to intervene, and protests:* November 15, 2007. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

k. *Description of Request:* The licensee filed an application to surrender its license for the unconstructed Carlyle Hydroelectric Project. No ground disturbing activities have occurred. The U.S. Army Corps of Engineers, which owns and operates the Carlyle Dam, remains in control of the dam and appurtenant facilities.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online

at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—All filings must (1) bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. All documents (original and eight copies) should be filed with: Kimberly Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. *e-Filing*: Motions to intervene, protests, and comments may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the

Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-20014 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12833-000]

Free Flow Power Corporation; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 3, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application*: Preliminary Permit.

b. *Project No.*: 12833-000.

c. *Date filed*: July 23, 2007.

d. *Applicant*: Free Flow Power Corporation.

e. *Name of Project*: Carrollton Bend Project.

f. *Location*: The project would be located on the Mississippi River in Jefferson and Orleans Parishes. The project uses no dam or impoundment.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Mr. Dan Irvin, Free Flow Power Corporation, 69 Bridge Street, Manchester, MA 01944, phone (978) 232-3536.

i. *FERC Contact*: Robert Bell, (202) 502-6062.

j. *Deadline for filing comments, protests, and motions to intervene*: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12833-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor

files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project*: The proposed project consists of: (1) 950 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 19 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The Free Flow Power Corporation's project would have an average annual generation of 83.22 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications*: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person

to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under "e-filing" link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "COMPETING APPLICATION", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies

provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-20015 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12851-000]

FFP Project 7, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 3, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application*: Preliminary Permit.
- b. *Project No.*: 12851-000.
- c. *Date filed*: July 25, 2007.
- d. *Applicant*: FFP Project 7, LLC.
- e. *Name of Project*: Gouldsboro Bend Project.
- f. *Location*: The project would be located on the Mississippi River in Jefferson and Orleans Parishes. The project uses no dam or impoundment.
- g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact*: Mr. Dan Irvin, FFP Project 7, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232-3536.
- i. *FERC Contact*: Robert Bell, (202) 502-6062.
- j. *Deadline for filing comments, protests, and motions to intervene*: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC

20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12851-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project*: The proposed project consists of: (1) 1,000 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 20 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Project 7, LLC, project would have an average annual generation of 87.6 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications*: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the

particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under "e-

filing" link. The Commission strongly encourages electronic filing.

s. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "COMPETING APPLICATION", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-20016 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12856-000; FFP Project 3, LLC]

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 3, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Preliminary Permit.

b. Project No.: 12856-000.

c. Date filed: July 25, 2007.

d. Applicant: FFP Project 3, LLC.

e. Name of Project: Ironton Light Project.

f. Location: The project would be located on the Mississippi River in Plaquemines Parish, Louisiana. The project uses no dam or impoundment.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Applicant Contact: Mr. Dan Irvin, FFP Project 3, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232-3536.

i. FERC Contact: Robert Bell, (202) 502-6062.

j. Deadline for filing comments, protests, and motions to intervene: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12856-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Description of Project: The proposed project consists of: (1) 1,750 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 35 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Project 3, LLC, project would have an average annual generation of 153.3 gigawatt-hours and be sold to a local utility.

l. Locations of Applications: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all

protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "COMPETING APPLICATION", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20017 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12859-000]

FFP Project 1, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 3, 2007.

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection:

a. *Type of Application*: Preliminary Permit.

b. *Project No.*: 12859-000.

c. *Date filed*: August 6, 2007.

d. *Applicant*: FFP Project 1, LLC.

e. *Name of Project*: Fort Jackson Project.

f. *Location*: The project would be located on the Mississippi River in Plaquemines Parish. The project uses no dam or impoundment.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Mr. Dan Irvin, FFP Project 1, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232-3536.

i. *FERC Contact*: Robert Bell, (202) 502-6062.

j. *Deadline for filing comments, protests, and motions to intervene*: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12859-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project*: The proposed project consists of: (1) 1,900 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 38 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Project 1, LLC, project would have an average annual generation of 166.440 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications*: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's

Web site at <http://www.ferc.gov> using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission’s mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis,

preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s Web site under “e-filing” link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title “COMMENTS”, “COMPETING APPLICATION”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission’s regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency’s comments must also be sent to the Applicant’s representatives.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20018 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12929-000]

FFP Project 40, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 3, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application*: Preliminary Permit.

b. *Project No.*: 12929-000.

c. *Date Filed*: August 6, 2007.

d. *Applicant*: FFP Project 40, LLC.

e. *Name of Project*: Helena Reach Project.

f. *Location*: The project would be located on the Mississippi River in Tunica and Coahoma Counties, Mississippi and Phillips County, Arkansas. The project uses no dam or impoundment.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Mr. Dan Irvin, FFP Project 40, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232-3536.

i. *FERC Contact*: Robert Bell, (202) 502-6062.

j. *Deadline for filing comments, protests, and motions to intervene*: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s Web site under the “e-Filing” link. The Commission strongly encourages electronic filings. Please include the project number (P-12929-000) on any comments or motions filed.

The Commission’s Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project*: The proposed project consists of: (1) 7,600

proposed 20 kilowatt Free Flow generating units having a total installed capacity of 152 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Project 41, LLC, project would have an average annual generation of 665.76 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the

prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies Under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 C.F.R. 385.2001 (a)(1)(iii) and the instructions on the Commission's Web site under the "e-filing" link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "COMPETING APPLICATION", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file

comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20019 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12930-000]

FFP Project 41, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 3, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12930-000.

c. *Date Filed:* August 6, 2007.

d. *Applicant:* FFP Project 41, LLC.

e. *Name of Project:* Ashley Point Project.

f. *Location:* The project would be located on the Mississippi River in Tunica County, Mississippi and Lee County, Arkansas. The project uses no dam or impoundment.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Dan Irvin, FFP Project 41, LLC, 69 Bridge Street, Manchester, MA 01944, phone (978) 232-3536.

i. *FERC Contact:* Robert Bell, (202) 502-6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12930-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project consists of: (1) 7,400 proposed 20 kilowatt Free Flow generating units having a total installed capacity of 148 megawatts, (2) a proposed transmission line, and (3) appurtenant facilities. The FFP Project 41, LLC, project would have an average annual generation of 648.24 gigawatt-hours and be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

o. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a

competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

p. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under "e-filing" link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "COMPETING APPLICATION", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as

applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20020 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 618-161]

Alabama Power Company; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

October 3, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Request for Temporary Variance of Minimum Flow Requirement.

b. *Project No.:* 618-161.

c. *Date Filed:* September 26, 2007.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Jordan Dam.

f. *Location:* On the Coosa River, in Elmore, Chilton, and Coosa Counties, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Barry K. Lovett, Alabama Power Company, 600 N. 18th Street, P.O. Box 2641, Birmingham, AL 35291, (205) 257-1258.

i. *FERC Contact:* Peter Yarrington, peter.yarrington@ferc.gov, (202) 502-6129.

j. *Deadline for filing comments, motions to intervene and protests:* October 19, 2007.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Request:* The Alabama Power Company (APC) is requesting a temporary variance of the minimum flow requirement of the project license in order to resume a study of the effects of minimum flow reductions on aquatic resources, including the federally endangered Tulotoma snail, *Tulotoma magnifica*. Flow reductions are being studied because of a worsening drought in the Coosa Basin, rated "exceptional," the most severe category recognized by the U.S. Drought Monitoring Program.

The project license requires a flow release of 2,000 cfs July 1 through March 31. Study flow reductions were originally approved in a July 18, 2007 Commission order. The July 18, 2007 approval allowed a reduction to 1,000 cfs, made in 250-cfs increments. The licensee and resource agencies would assess habitat conditions downstream of Jordan Dam at each flow increment. However, in mid-August, when study flows were 1,600 cfs, high water temperatures caused concerns for the Tulotoma snail, and the study was suspended.

With seasonal water temperatures decreasing, the licensee now proposes to resume the study, based on resource agency consultations and written concurrences. Flow releases would be reduced over a period of 6 days, to 1,600 cfs, by October 1. A target flow of 1,600 cfs, within +/- 5 percent, would be maintained until December 1, 2007, unless a 7-day inflow of at least 2,000 cfs occurs, in which case flow releases would be increased to 2,000 cfs. The licensee would hold weekly teleconferences with the resource agencies regarding the study and flows, and would produce aerial photographs of the downstream area at the reduced flow rate.

l. *Locations of the Application:* The filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docsfiling/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web

site at <http://www.ferc.gov> under the "e-Filing" link.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20021 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER07-1050-000]

PJM Interconnection, L.L.C.; Notice of Post-Technical Conference Comment Procedures

October 3, 2007.

At the technical conference held in this proceeding, on Friday, September 28, 2007, comment procedures were established. Initial Comments may be filed on or before Friday, October 29, 2007. Reply Comments may be filed on or before Tuesday, November 13, 2007.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-20013 Filed 10-10-07; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2007-0231; FRL-8480-7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; 2007 Hazardous Waste Report, EPA ICR Number 0976.13, OMB Control Number 2050-0024

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before November 13, 2007.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-RCRA-2007-0231, to (1) EPA, either online using www.regulations.gov (our preferred method), or by e-mail to

docket@epa.gov, or by mail to: RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and (2) OMB, by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Peggy Vyas, Environmental Protection Agency, Mail Code: 5302P, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703-308-5477; fax number: 703-308-8433; e-mail address: vyas.peggy@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On April 17, 2007 (72 FR 19194), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one comment during the comment period, which is addressed in the ICR. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-RCRA-2007-0231, which is available for online viewing at www.regulations.gov, or in person viewing at the Resource Conservation and Recovery Act (RCRA) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the RCRA Docket is (202) 566-0270.

Use EPA's electronic docket and comment system at www.regulations.gov, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at www.regulations.gov as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: 2007 Hazardous Waste Report.
ICR Numbers: EPA ICR No. 0976.13, OMB Control No. 2050-0024.

ICR Status: This ICR is scheduled to expire on October 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR renews an ongoing information collection from hazardous waste generators and hazardous waste treatment, storage, or disposal facilities. This collection is done on a two-year cycle as required by Sections 3002 and 3004 of RCRA. The information is collected via a mechanism known as the Hazardous Waste Report for the required reporting year [EPA Form 8700-13 A/B] (also known as the Biennial Report). Both RCRA Sections 3002 and 3004 require EPA to establish standards for recordkeeping and reporting of hazardous waste generation and management. Section 3002 applies to hazardous waste generators and Section 3004 applies to hazardous waste treatment, storage, and disposal facilities. The implementing regulations are found at 40 CFR 262.40(b) and (d); 262.41(a)(1)-(5), (a)(8), and (b); 264.75(a)-(e) and (j); 265.75(a)-(e) and (j); and 270.30(l)(9). This is mandatory reporting by the respondents.

Burden Statement: The reporting burden is estimated to average 16.4 hours per respondent, and includes time for reviewing instructions, gathering data, completing and reviewing the forms, and submitting the report. The record keeping requirement is estimated to average 2.3 hours per response and includes the time for filing and storing the Biennial Report submission for three years.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying

information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Private Entities and State, Local, or Tribal Governments.

Estimated Number of Respondents: 12,671, including 12,619 survey respondents and 52 state and territorial agencies.

Frequency of Response: Biennially.

Estimated Total Annual Hour Burden: 685,196.

Estimated Total Annual Cost: \$20,137,491, including \$66,642 annualized capital or O&M costs.

Changes in the Estimates: There is an increase of 519,944 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase in burden has occurred for two reasons. First, there is an increase in the number of respondents, from 9,106 in 2005 to 12,619 projected for 2007. Second, and most importantly, EPA is counting the State Agency burden in the overall burden for this ICR for the first time with this renewal. Historically, EPA calculated State Agency burden with the Federal Agency burden, so the State Agency burden was not reflected in the bottom line burden for the ICR.

Dated: October 2, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7-20055 Filed 10-10-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2007-0125; FRL-8480-9]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Rubber Tire Manufacturing (Renewal); EPA ICR Number 1158.09, OMB Control Number 2060-0156

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C.

3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before November 13, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OECA-2007-0125, to (1) EPA online using www.regulations.gov (our preferred method), or by e-mail to docket.oeca@epa.gov, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Maria Malave, Compliance Assessment and Media Programs Division (Mail Code 2223A), Office of Compliance, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-7027; fax number: (202) 564-0050; e-mail address: malave.maria@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On March 9, 2007 (72 FR 10735), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA-HQ-OECA-2007-0125, which is available for public viewing online at <http://www.regulations.gov>, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566-1927.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov>, as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: NSPS for Rubber Tire Manufacturing (Renewal).

ICR Numbers: EPA ICR Number 1158.09, OMB Control Number 2060-0156.

ICR Status: This ICR is scheduled to expire on November 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The New Source Performance Standards (NSPS) subpart BBB applies to affected facilities in rubber tire manufacturing plants that commence construction, modification or reconstruction after January 20, 1983. The affected facilities include: Each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, each Michelin-C automatic operation. The rule establishes standards for volatile organic compounds (VOCs) use and emission limits.

In general, all NSPS standards require initial notifications, performance tests and periodic reports. This standard

requires performance test of Method 25 and an annual report of Method 24 results to verify VOC content of water-based sprays. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Monitoring requirements specific to rubber tire manufacturing plants provide information on the operation of the emissions control device and compliance with the VOCs standards. Semiannual reports of excess emissions are required. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NSPS.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 167 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners and operators of rubber tire manufacturing plants.

Estimated Number of Respondents: 41.

Frequency of Response: Initially, semiannually and annually.

Estimated Total Annual Hour Burden: 13,323 hours.

Estimated Total Annual Cost: \$866,493, which includes \$0 annualized Capital Startup Costs, \$16,400 annualized Operating and Maintenance (O&M) costs, and \$850,093 annualized Labor costs.

Changes in the Estimates: There are no changes in the labor hours or costs in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for the industry is very low, negative or

non-existent, so there is no significant change in the overall burden.

Since there are no changes in the regulatory requirements and there is no significant industry growth, the labor hours and cost figures in the previous ICR are used in this ICR and there is no change in burden to industry.

Dated: October 4, 2007.

Sara Hisel McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7-20056 Filed 10-10-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2007-0044; FRL-8480-8]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for VOC Emissions From Petroleum Refinery Wastewater System (Renewal); EPA ICR Number 1136.09, OMB Control Number 2060-0172

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before November 13, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OECA-2007-0044, to (1) EPA online using www.regulations.gov (our preferred method), or by e-mail to docket.oeca@epa.gov, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs

Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-4113; fax number: (202) 564-0050; e-mail address: williams.learia@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On March 9, 2007 (72 FR 10735), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA-HQ-OECA-2007-0044, which is available for public viewing online at <http://www.regulations.gov>, or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566-1752.

Use EPA's electronic docket and comment system at <http://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov>, as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: NSPS for VOC Emissions from Petroleum Refinery Wastewater System (Renewal).

ICR Numbers: EPA ICR Number 1136.09, OMB Control Number 2060-0172.

ICR Status: This ICR is scheduled to expire on October 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of

information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The New Source Performance Standards (NSPS) for Petroleum Refinery Wastewater Systems were proposed on May 4, 1987, and promulgated on November 23, 1988. These standards apply to the following facilities in petroleum refinery wastewater systems: Individual drain systems, oil-water separators, and aggregate facilities commencing construction, modification or reconstruction after the date of proposal. An individual drain system consists of all process drains connected to the first downstream junction box. An oil-water separator is the wastewater treatment equipment used to separate oil from water. An aggregate facility is an individual drain system together with ancillary downstream sewer lines and oil-water separators, down to and including the secondary oil-water separator, as applicable. Aggregate facilities are intended to capture any potential volatile organic compound (VOC) emissions within the petroleum refinery wastewater system during expansions of and additions to the system. There are no additional recordkeeping or reporting requirements for aggregate facilities. This information is being collected to determine compliance with 40 CFR part 60, subpart QQQ.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance and are required of all sources subject to NSPS.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements,

maintenance reports and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office. This information is being collected to assure compliance with 40 CFR part 60, subpart QQQ, as authorized in section 112 and 114(a) of the Clean Air Act. The required information consists of emissions data and other information that have been determined to be private.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Number for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 34 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Petroleum refinery wastewater systems.
Estimated Number of Respondents: 135.

Frequency of Response: Initially, on occasion, quarterly, and semiannually.
Estimated Total Annual Hour Burden: 9,237.

Estimated Total Annual Cost: \$840,360, which includes \$0 annualized capital Start Up costs, \$17,550 annualized Operating and Maintenance costs (O&M), and \$822,810 annualized Labor costs.

Changes in the Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for the

industry is very low, negative or non-existent, so there is no significant change in the overall labor hours.

There is however, a change in the cost estimate. The previous ICR used a cost figure that was rounded-up (\$18,000). This ICR uses the exact cost figure (\$17,550) resulting in a small cost decrease.

Since there are no changes in the regulatory requirements and there is not significant industry growth, the labor hours in the previous ICR are used in this ICR and there is no change in the labor hours to industry.

Dated: October 2, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7-20057 Filed 10-10-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2007-0700; FRL-8480-6]

Board of Scientific Counselors, Particulate Matter and Ozone (Air) Mid-Cycle Subcommittee Meeting—October 2007

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of one meeting of the Board of Scientific Counselors (BOSC) Air Mid-Cycle Subcommittee.

DATES: The meeting will be conducted as a teleconference call and held on Tuesday, October 30, 2007, from 1 p.m. to 2 p.m. All times noted are eastern time. The meeting may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the meeting will be accepted up to 1 business day before the meeting.

ADDRESSES: Participation in the meeting will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the call from Lawrence Martin, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. Comments may be submitted, identified by Docket ID No. EPA-HQ-ORD-2007-0700, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- **E-mail:** Send comments by electronic mail (e-mail) to: ORD.Docket@epa.gov, Attention Docket ID No. EPA-HQ-ORD-2007-0700.

- **Fax:** Fax comments to: (202) 566-0224, Attention Docket ID No. EPA-HQ-ORD-2007-0700.

- **Mail:** Send comments by mail to: Board of Scientific Counselors, Air Mid-Cycle Subcommittee Meeting—Fall 2007 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-ORD-2007-0700.

- **Hand Delivery or Courier.** Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. EPA-HQ-ORD-2007-0700. Note: this is not a mailing address. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-ORD-2007-0700. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through www.regulations.gov or e-mail. The www.regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through www.regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA

Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Board of Scientific Counselors, Air Mid-Cycle Subcommittee Meeting—Fall 2007 Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the ORD Docket is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Lawrence Martin, U.S. EPA Office of Research & Development Office of Science Policy (8104R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via phone/voice mail at: (202) 564-6497; via fax at: (202) 565-2911; or via e-mail at: martin.lawrence@epa.gov.

SUPPLEMENTARY INFORMATION:

General Information

Any member of the public interested in receiving a draft BOSC agenda or making a presentation at the meeting may contact Lawrence Martin, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each individual making an oral presentation will be limited to a total of three minutes.

Proposed agenda items for the meeting includes but are not limited to: presentation materials from earlier meetings and subcommittee members' draft responses to the subcommittee's charge questions. The meeting is open to the public.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Lawrence Martin at (202) 564-6497 or martin.lawrence@epa.gov. To request accommodation of a disability, please contact Lawrence Martin, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: October 3, 2007.

Connie Bosma,

Acting Director, Office of Science Policy.

[FR Doc. E7-20064 Filed 10-10-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8480-5]

Notice of Government-Owned Invention's Availability for Exclusive License: Biomass Concentrator Reactor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA hereby gives notice of the option to exclusively license an invention for a specific field of use. Such a license would be royalty-bearing, revocable, and limited to a field of use associated with the invention described and claimed in the patent listed below, all U.S. patents issuing therefrom, and all reexamined and reissued patents granted in the United States in connection with such patent. The patent is: U.S. Patent No. 6,821,425, entitled "Biomass Concentrator Reactor," issued November 23, 2004.

DATES: EPA may execute one or more exclusive license(s) beginning November 26, 2007, and following a second notice indicating the EPA's intent to grant exclusive license(s), identifying the specific invention and the prospective licensee(s).

ADDRESSES: Comments to this notice must be submitted to Laura Scalise, Patent Attorney, Office of General Counsel (Mail Code 2377A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Laura Scalise, (202) 564-8303.

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to 37 CFR 404.7(a)(1), which requires an agency to issue both a notice of availability of an invention for exclusive licensing, as well as a notice of intent to grant an exclusive license. Pursuant to 35 U.S.C. 207, EPA is authorized to grant licenses on federally-owned inventions, in exchange for royalties and other considerations.

The proposed exclusive license will contain appropriate terms, limitations, and conditions in accordance with the limitations and conditions of 35 U.S.C. 209 and 37 CFR 404.5 and 404.7 of the U.S. Government patent licensing regulations.

Interested parties should submit to EPA, at the address below, written interest in a license or written objections to license grants, together with supporting documentation. The documentation from interested parties or from objecting parties having an interest in practicing the above patent application should include an application for an exclusive or nonexclusive license with the information set forth in 37 CFR 404.8, including the license applicant's plan for development or marketing of the invention. The EPA Patent Counsel and other EPA officials will review all written responses and then make recommendations on a final decision to the Director of the National Risk Management Research Laboratory, who has been delegated the authority to issue patent licenses under EPA Delegation 1-55.

Dated: September 27, 2007.

Robert A. Friedrich,

Acting Associate General Counsel, General Law Office, Office of General Counsel.

[FR Doc. E7-20060 Filed 10-10-07; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

October 10, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of

information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 13, 2007. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395-5887, or via fax at 202-395-5167 or via Internet at Nicholas_A._Fraser@omb.eop.gov and to Judith-B.Herman@fcc.gov, Federal Communications Commission, Room 1-B441, 445 12th Street, SW., Washington, DC 20554 or an e-mail to PRA@fcc.gov. If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA web page at: <http://www.fcc.gov/omd/pra>.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at Judith-B.Herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0360.

Title: Section 80.409, Station Logs.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 20,549 respondents; 20,549 responses.

Estimated Time Per Response: 27.3-95 hours.

Frequency of Response:

Recordkeeping requirement.

Obligation to Respond: Mandatory.

Total Annual Burden: 574,508 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this information collection to the OMB as an extension (no change in the recordkeeping requirement) during this comment period to obtain the full three-year clearance from them. There is a change in the number of respondents/responses and the burden hours.

The recordkeeping requirements contained in 47 CFR 80.409 is necessary to document the operation and public correspondence service of public coast radiotelegraph, public coast radiotelephone stations and Alaska-

public fixed stations, ship radiotelegraph, ship radiotelephone and applicable radiotelephone including the logging of distress and safety calls where applicable.

The information is used by FCC personnel during inspection and investigations to ensure compliance with applicable rules and to assist in accident investigations. If the information was not collected, documentation concerning the operation of public coast radiotelegraph stations, public coast radiotelephone stations and Alaska-public fixed stations would not be available.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7-19711 Filed 10-10-07; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to OMB for Review and Approval, Comments Requested

October 3, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 13, 2007. If you anticipate that you will be

submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via Internet at Nicholas_A._Fraser@omb.eop.gov or via fax at (202) 395-5167 and to Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC or via Internet at Cathy.Williams@fcc.gov.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB control number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0844.

Title: Carriage of the Transmission of Digital Television Broadcast Stations, R&O and FNPRM.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 20,322.

Estimated Time per Response: 30 minutes to 40 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 75,202 hours.

Total Annual Cost: \$65,541.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality required for this information collection.

Needs and Uses: The FCC adopted a Report and Order (R&O) on January 23, 2001 and Further Notice of Proposed Rulemaking (FNPRM). The R&O modified 47 CFR 76.64(f) to provide that

stations that return their analog spectrum and broadcast only in digital format, as well as new digital-only stations, are entitled to elect must-carry or retransmission consent status following the procedures previously applicable to new television stations. Furthermore, the R&O established a framework for voluntary retransmission consent agreements between DTV station licensees and multi-channel video programming distributors and modified several sections of the rules accordingly. The FNPRM sought additional comments on carriage requirements relating to digital television stations generally, as proposed in the initial NPRM.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. E7-19936 Filed 10-10-07; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comment Requested

October 2, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to (PRA) of 1995 (PRA), Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Subject to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before December 10, 2007. If you anticipate that you will be submitting comments, but find it

difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. post mail. To submit your comments by e-mail, send them to PRA@fcc.gov. To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Cathy Williams at (202) 418-2918 or send an e-mail to PRA@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0170.

Title: Section 73.1030, Notifications Concerning Interference to Radio Astronomy, Research and Receiving Installations.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 57.

Estimated Hours per Response: 0.5 hours.

FREQUENCY OF RESPONSE: On occasion reporting requirement; Third party disclosure requirement.

Total Annual Cost: \$8,550.

Total Annual Burden: 29 hours.

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: 47 CFR 73.1030 states in order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green, Pocahontas County, West Virginia, and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, West Virginia, a licensee proposing to operate a short-term broadcast auxiliary station pursuant to 47 CFR 74.24, and any applicant for authority to construct a new broadcast station, or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N on the north, 78°30' W on the east, 37°30' N on the south, and 80°30' W on the west, shall notify the Interference Office, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, West Virginia 24944. Telephone: (304) 456-2011. The notification shall be in writing and set forth the particulars of the proposed

station, including the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission and power. The notification shall be made prior to, or simultaneously with, the filing of the application with the Commission. After receipt of such applications, the FCC will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself, or on behalf of the Naval Radio Research Observatory, the FCC will consider all aspects of the problem and take whatever action is deemed appropriate.

Any applicant for a new permanent base or fixed station authorization to be located on the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra, or for a modification of an existing authorization which would change the frequency, power, antenna height, directivity, or location of a station on these islands and would increase the likelihood of the authorized facility causing interference, shall notify the Interference Office, Arecibo Observatory, HC3 Box 53995, Arecibo, Puerto Rico 00612, in writing or electronically, of the technical parameters of the proposal. Applicants may wish to consult interference guidelines, which will be provided by Cornell University. Applicants who choose to transmit information electronically should e-mail to: prcz@naic.edu.

The notification to the Interference Office, Arecibo Observatory shall be made prior to, or simultaneously with, the filing of the application with the Commission. The notification shall state the geographical coordinates of the antenna (NAD-83 datum), antenna height above ground, ground elevation at the antenna, antenna directivity and gain, proposed frequency and FCC Rule Part, type of emission, and effective radiated power.

After receipt of such applications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections in response to the notification indicated. The applicant will be required to make reasonable efforts to resolve or mitigate any potential interference problem with the Arecibo Observatory and to file either an amendment to the application or a modification application, as appropriate. The Commission shall determine whether an applicant has satisfied its responsibility to make

reasonable efforts to protect the Observatory from interference.

OMB Control Number: 3060-0171.

Title: Section 73.1125, Station Main Studio Location.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 72.

Estimated Hours per Response: 0.5 to 2 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 135 hours.

Annual Burden Cost: \$92,070.00.

Privacy Impact Assessment: No impact(s).

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Needs and Uses: 47 CFR 73.1125(d)(1) requires AM, FM or TV licensees to notify the Commission when the main studio is relocated from one point to another within the locations described in 47 CFR 73.1125(a) or (c) and from a point inside the locations specified in Section 73.1125(a) or (c) to one within those locations.

47 CFR 73.1125(d)(2) requires licensees to receive written authority to locate a main studio outside the locations specified in paragraph 47 CFR 73.1125(a) or (c) for the first time must be obtained from the Audio Division, Media Bureau for AM and FM stations, or the Video Division for TV and Class A television stations before the studio may be moved to that location. Where the main studio is already authorized at a location outside those specified in paragraph (a) or (c) of this section, and the licensee or permittee desires to specify a new location also located outside those locations, written authority must also be received from the Commission prior to the relocation of the main studio. Authority for these changes may be requested by filing a letter with an explanation of the proposed changes with the appropriate division. Licensees or permittees should also be aware that the filing of such a letter request does not imply approval of the relocation request, because each request is addressed on a case-by-case basis. A filing fee is required for commercial AM, FM, TV or Class A TV licensees or permittees filing a letter request under the section.

OMB Control Number: 3060-0567.

Title: Section 76.962, Implementation and Certification of Compliance.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, local or Tribal Government.

Number of Respondents: 10.

Estimated Hours per Response: 0.5 hours (30 minutes).

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 5 hours.

Total Annual Costs: None.

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 76.962 requires any cable operator that has been deemed subject to remedial requirements to certify to the Commission its compliance with the Commission order requiring prospective rate reductions, refunds or other relief to subscribers. The certification must be filed with the Commission within 90 days from the date the Commission released the order mandating a remedy. These certifications are used by the Commission to monitor a cable operator's compliance with Commission rate orders.

OMB Control Number: 3060-0668.

Title: Section 76.936, Written Decisions.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: State or Local, or Tribal government.

Number of Respondents: 1,200.

Estimated Hours per Response: 1 hour.

Frequency of Response: Third party disclosure requirement; On occasion reporting requirement.

Total Annual Burden: 1,200 hours.

Total Annual Costs: None.

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 76.936 states that a franchising authority must issue a written decision in a rate-making proceeding whenever it disapproves an initial rate for the basic service tier or associated equipment in whole or in part, disapproves a request for a rate increase in whole or in part, or approves a request for an increase whole or in part over the objection of interested parties. Franchising authorities are required to issue a written decision in rate-making proceedings pursuant to Section 76.936 so that cable operators and the public are made aware of the proceeding.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7-19950 Filed 10-10-07; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2834]

Petition for Reconsideration of Action In Rulemaking Proceeding

October 1, 2007.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to this petition must be filed by October 26, 2007. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of State Independent Alliance and Independent Telecommunications Group for a declaratory ruling that the Basic Universal Service offering provided by Western Wireless in Kansas is subject to regulation as Local Exchange Service (WT Docket No. 00-239)

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. E7-20076 Filed 10-10-07; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL ELECTION COMMISSION

Sunshine Act Notice

DATE AND TIME: Thursday, October 11, 2007, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA: Draft Advisory Opinion 2007-21: U.S. Representative Rush Holt, by counsel, Caroline P. Goodson.

THE FOLLOWING ITEM HAS BEEN WITHDRAWN FROM THE AGENDA: Report of the Audit Division on Edwards for President.

PERSON TO CONTACT FOR INFORMATION:

Mr. Robert Biersack, Press Officer,
Telephone: (202) 694-1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 07-5054 Filed 10-9-07; 2:31 pm]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION**Notice of Agreements Filed**

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements 202-523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 011722-003.

Title: New World Alliance/Maersk Sealand Slot Exchange Agreement.

Parties: A.P. Moller Maersk A/S; American President Lines, Ltd.; APL Co. PTE Ltd.; Mitsui O.S.K. Lines, Ltd., and Hyundai Merchant Marine Co., Ltd.

Filing Party: Wayne R. Rohde, Esquire; Sher & Blackwell LLP; 1850 M Street, NW., Suite 900, Washington, DC 20036.

Synopsis: The amendment would update the description of the Maersk vessel strings and add authority for Maersk to charter space to APL and to other members of the New World Alliance. The amendment would also make technical corrections to the agreement.

Agreement No.: 011870-007.

Title: Indian Subcontinent Discussion Agreement.

Parties: Emirates Shipping Line FZE; Shipping Corporation of India; United Arab Shipping Company (S.A.G.); and Zim Integrated Shipping Services, Ltd.

Filing Party: David F. Smith, Esq.; Sher & Blackwell LLP; 1850 M Street, NW., Suite 900, Washington, DC 20036.

Synopsis: The amendment removes CMA CGM S.A. and MacAndrews & Company Limited as parties to the agreement.

Agreement Nos.: 201132-010.

Title: New York/New Jersey-Port Newark Container Terminal LLC Lease (Lease No. L-PN-264).

Parties: The Port Authority of New York and New Jersey and Port Newark Container Terminal LLC.

Filing Party: Patricia W. Duemig, Senior Property Representative, The Port Authority of New York and New

Jersey, New Jersey Marine Terminals, 260 Kellogg Street, Port Newark, NJ 07114.

Synopsis: The amendment extends the letting of PNCT's rail facility to December 31, 2007.

Dated: October 5, 2007.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E7-20066 Filed 10-10-07; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION**Ocean Transportation Intermediary License Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

Jarrett Logistics Systems, Inc., 1347 N. Main Street, Orrville, OH 44667.

Officers: W. Michael Jarrett, President, (Qualifying Individual), Diane Jarrett, Secretary.

Login Logistics USA Corp., 2025 NW 102 Ave., Suite #111, Miami, FL 33172. *Officers:* Eduardo Garcia, Operational Manager (Qualifying Individual), Rodinilson Barbosa Da Silva, President.

Prestige Relocation, Inc., 8264 Playa Del Sur Blvd., Lake Worth, FL 33467.

Officer: Velenia Gass, President (Qualifying Individual).

Imodal Limited Liability Company dba Imodal, 170 Kinnelon Road, Suite 37, Kinnelon, NJ 07405. *Officer:* Joseph A. Dymkowski, Member/Manager (Qualifying Individual).

S.F. Systems (Group) Ltd., 9040 Telstar Ave., #136, El Monte, CA 91731.

Officers: Mei-Ling Chan, Secretary (Qualifying Individual), Fan Gie Ho, CFO/CEO.

Greating Shipping Company, 204 La France Ave., #5, Alhambra, CA 91801.

Officers: Jack Huaqing Chen,

Secretary (Qualifying Individual), Wai Man Chu, President.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Foremost Transportation Services, Inc., 1643 Allegheny Blvd., Reno, PA 16343. *Officers:* Roberta Lynn Nicols, Treasurer (Qualifying Individual), Greg Lander, Vice President.

The Perfect Body, Inc., dba Diamond Automotive, 6957 W. Grand Avenue, Chicago, IL 60707. *Officers:* Marian Suszczynski, President (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicant

Specialized Overseas Shipping Corporation, 2401 NW 3rd Avenue, Miami, FL 33142. *Officer:* Vicente Pena Hamel, President (Qualifying Individual).

Dated: October 5, 2007.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E7-20088 Filed 10-10-07; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MEDIATION AND CONCILIATION SERVICE**Proposed Agency Information Collection Activities: Submission to the Office of Management and Budget (OMB) for Review; Comment Request**

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of OMB Review of Information Collection Forms R-22, R-19, R-43 and F-7 submitted for reinstatement and solicitation of public comment.

SUMMARY: This notice announces that four information collection requests contained among the Federal Mediation and Conciliation Service (FMCS) agency forms have come up for renewal. Pursuant to the Paperwork Reduction Act of 1995, FMCS is submitting to OMB requests for review of these four FMCS forms: Arbitrator's Report and Fee Statement (Agency Form R-19), Arbitrator's Personal Data Questionnaire (Agency Form R-22), Request for Arbitration Services (Agency Form R-43) and Notice to Mediation Agencies (Agency Form F-7). These requests seek reinstatement of Forms R-19, R-22, and F-7, which expired January 31, 2006, and Form R-43, which expired February 28, 2006, with new expiration dates of three years from the date of OMB approval. No comments were received

pursuant to FMCS' prior 60 day notice published in the **Federal Register** on November 29, 2006. FMCS also is soliciting comments on specific aspects of the collections as described below.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments by mail to the Office of Information and Regulatory Affairs, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: Copies of each of the agency forms are available from the FMCS Office of Arbitration Services by calling, faxing or writing Vella M. Traynham, Director of Arbitration Services, FMCS, 2100 K Street, NW., Washington, DC 20427. Telephone (202) 606-5111; Fax (202) 606-3749. Please ask for the form by title and agency form number.

I. Information Collection Requests

FMCS is seeking comments on the following Information Collection Requests (ICRs).

Title: Arbitrator's Personal Data Questionnaire; Form R-22; OMB No. 3076-0001; Expiration date: January 31, 2006.

Type of Request: Reinstatement of a previously approved collection with no change in the substance or method of collection.

Affected Entities: Parties affected by this information collection are individuals who apply for admission to the FMCS Roster of Arbitrators.

Frequency: Individuals complete this form once at the time of application to the FMCS Roster of Arbitrators.

Abstract: Title II of the Labor Management Relations Act of 1947 (Pub. L. 90-101), as amended in 1959 (Pub. L. 86-257) and 1974 (Pub. L. 93-360), states that it is the labor policy of the United States that "the settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes." 29 U.S.C. 201(b). Under its

regulations at 29 CFR Part 1404, FMCS has established policies and procedures for its arbitration function dealing with all arbitrators listed on the FMCS Roster of Arbitrators, all applicants for listing on the Roster, and all persons or parties seeking to obtain from FMCS either names or panels of names of arbitrators listed on the Roster in connection with disputes which are to be submitted to arbitration or fact-finding. FMCS strives to maintain the highest quality of dispute resolution experts on its Roster. To ensure that purpose, it requires all candidates to complete an application form. 29 CFR 1404.5. The purpose of this collection is to gather information about applicants for inclusion in the FMCS Roster of Arbitrators. This questionnaire is needed in order that FMCS may select highly qualified individuals for the arbitrator Roster. The respondents are private citizens who make application for appointment to the FMCS Roster.

Burden Statement: The number of respondents is approximately 100 individuals per year, which is the approximate number of individuals who request membership on the FMCS Roster. The time required to complete this questionnaire is approximately 30 to 60 minutes. Each respondent is required to respond only once per application and to update the information as necessary.

Title: Arbitrator's Report and Fee Statement; Form R-19; OMB No. 3076-0003; Expiration date: January 31, 2006.

Type of Request: Reinstatement of a previously approved collection with no change in the substance or method of collection.

Affected Entities: Individual arbitrators who render decisions under FMCS arbitration policies and procedures.

Frequency: This form is completed each time an arbitrator hears an arbitration case and issues a decision.

Abstract: Pursuant to 29 U.S.C. 171(b) and 29 CFR Part 1404, FMCS assumes a responsibility to monitor the work of the arbitrators who serve on its Roster. This is satisfied by requiring the completion and submission of a Report and Fee Statement, which indicates when the arbitration award was rendered, the file number, the company and union, the issues, whether briefs were filed and transcripts taken, if there were any extensions of the date the award was due, and the fees and days for services of the arbitrator (see 29 CFR 1404.14). This information is contained in the agency's annual report to indicate the types of arbitration issues resolved, the applicable average or median

arbitration fees and days spent on each case.

Burden Statement: FMCS receives approximately 2500 responses per year. The form is filled out each time an arbitrator hears a case and the time required is approximately ten minutes. FMCS uses this form to review arbitrator conformance with its fee and expense reporting requirements.

Title: Request for Arbitration Services; Form R-43; OMB No. 3076-0002; Expiration date: February 28, 2006.

Type of Request: Reinstatement of a previously approved collection with no changes in the substance or method of collection.

Affected Entities: Employers and their representatives, and labor unions, their representatives and employees, who request arbitration services.

Frequency: This form is completed each time an employer or labor union requests a panel of arbitrators.

Abstract: Pursuant to 29 U.S.C. 171(b) and 29 CFR Part 1404, FMCS offers panels of arbitrators for selection by labor and management to resolve grievances and disagreements arising under their collective bargaining agreements and to deal with fact finding and interest arbitration issues as well. The need for this form is to obtain information such as name, address and type of assistance desired, so that FMCS can respond to requests efficiently and effectively for various arbitration services (see 29 CFR 1404.9). The purpose of this information collection is to facilitate the processing of the parties' request for arbitration assistance. No third party notification or public disclosure burden is associated with this collection.

Burden Statement: The current total annual burden estimate is that FMCS will receive requests from approximately 10,000 respondents per year. The form takes about 10 minutes to complete.

Title: Notice to Mediation Agencies; Form F-7; OMB No. 3076-0004; Expiration date: January 31, 2006.

Type of Request: Reinstatement of a previously approved collection with no changes in the substance or method of collection.

Affected Entities: Parties affected by this information collection are private sector employers and labor unions involved in interstate commerce that file notices for mediation services to the FMCS and state, local and territorial agencies.

Frequency: Parties complete this form once, which is at the time of an impending expiration of a collective bargaining agreement.

Abstract: Under the Labor Management Relations Act of 1947, 29 U.S.C. 158(d), Congress listed specific notice provisions so that no party to a collective bargaining agreement can terminate or modify that contract, unless the party wishing to terminate or modify the contract sends a written notice to the other party sixty days prior to the expiration date (29 U.S.C. 158(d)(1)), and offers to meet and confer with the other party for the purpose of negotiating a new or modified contract (29 U.S.C. 158(d)(2)). Furthermore, the Act requires that parties notify the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute and simultaneously notify any State or Territory where the dispute occurs (29 U.S.C. 158(d)(3)). The 1974 amendments to the National Labor Relations Act, which extended coverage to nonprofit health care institutions, also created a notification procedure in the health care industry requiring parties to notify each other 90 days in advance of termination and 60 days in advance to FMCS (29 U.S.C. 158(d)). This amendment also requires 30-day notification of bargaining for an initial agreement to the FMCS. To facilitate handling of more than 18,000 such notices a year, FMCS created a specific information collection form (see 29 CFR 1402.1). The purpose of this information collection activity is for FMCS to comply with its statutory duty to receive these notices, to facilitate assignment of mediators to assist in labor disputes, and to assist the parties in knowing whether or not proper notice was given. The information from these notices is sent electronically to the appropriate field manager who assigns the cases to a mediator so that the mediator may contact labor and management quickly, efficiently, and offer dispute resolution services. The F-7 form was created to allow FMCS to gather desired information in a uniform manner. The collection of such information, including the name of the employer or employer association, address and phone number, e-mail address, official contact, bargaining unit and establishment size, location of affected establishment and negotiations, industry or type of business, principal product or service, union address, phone number, e-mail address and official contact, contract expiration date or renewal date, whether the notice is on file on behalf of the employer or the union, and whether this is a health care industry notice for an initial contract, is critical for reporting and mediation purposes.

Burden Statement: The current annual burden estimate is approximately 18,000 respondents. This one-page form takes about 10 minutes to complete.

II. Request for Comments

FMCS solicits comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(ii) Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

Dated: October 4, 2007.

Michael J. Bartlett,

Deputy General Counsel.

[FR Doc. E7-19968 Filed 10-10-07; 8:45 am]

BILLING CODE 6732-01-P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor Management Cooperation Program; Information Collection Request

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of public information collection(s); request for comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS), as part of its continuing effort to reduce paperwork burden in accordance with the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). The information collection requests are FMCS forms: Application for Federal Assistance (SF-424), Request for Advance or Reimbursement SF-270 (LM-6), Project Performance (LM-8), Financial Status Report SF-269a (LM-7), Grants Program Grantee Evaluation Questionnaire (agency form LM-9), and Accounting System and Financial Capability Questionnaire (LM-3). The request seeks Office of Management and Budget (OMB) approval for a three-year expiration date of Forms SF-424, SF-270 (LM-6), (LM-8), SF-269a (LM-7), (LM-9) and (LM-3) until October 2010.

FMCS is soliciting comments on specific aspects of the collection as described below.

DATES: Written Paperwork Reduction Act Comments must be submitted on or before December 10, 2007.

ADDRESSES: Submit written comments identified by the appropriate agency form number by mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Mediation and Conciliation Service, Room 10235, Washington, DC 20503. Copies of the complete agency forms may be obtained from the Federal Mediation and Conciliation Service, Labor Management Grants Program, 2100 K Street, NW., Washington, DC 20427 or by contacting the person whose name appears under the section headed, **FOR FURTHER INFORMATION CONTACT**.

Comments and data may also be submitted by fax at (202) 606-3434 or electronically by sending electronic (e-mail) to Michael Bartlett, **Federal Register** Liaison at mbartlett@fmcs.gov or Linda Stubbs the Grants Management Specialist at lstubbs@fmcs.gov. All comments and data in electronic form must be identified by the appropriate agency form number. No confidential business information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as "CBI". Information so marked will not be disclosed but a copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by FMCS without prior notice. All written comments will be available for inspection in Room 10235 at the Washington, DC address above from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Linda Stubbs, Grants Management Specialist, FMCS, 2100 K Street, NW., Washington, DC 20427. Telephone number (202) 606-8181, e-mail to lstubbs@fmcs.gov or fax at (202) 606-3434.

I. Information Collection Requests

FMCS is seeking comments on the following information collection requests contained in FMCS agency forms.

Agency: Federal Mediation and Conciliation Service.

Form Number: OMB No. 3076-0006.

Type of Request: Renewal without change of a currently approved

collection without any change in the substance or method of collection.

Affected Entities: Potential applicants and/or grantees who received our grant application kit. Also applicants who have received a grant from FMCS.

Frequency: a. Three of the forms, the SF-424, LM-6, and LM-9 are submitted at the applicant/grantee's discretion.

b. To conduct the quarterly submissions, LM-7 and LM-8 forms are used. Less than quarterly reports would deprive FMCS of the opportunity to provide prompt technical assistance to deal with those problems identified in the report.

c. Once per application. The LM-3 is the only form to which a "similar information" requirement could apply. That form takes the requirement into consideration by accepting recent audit reports in lieu of applicant completion of items C2 through 9 and items D1 through 3.

Burden: Application for Federal Assistance (SF-424) is an OMB form which we do not include in the burden. We have not added to it; however, we have deleted the requirements for completion of sections C, D, and E. We received approximately 113 respondents. Request for Advance or Reimbursement SF-270 (LM-6) is an OMB form with no agency additions. The number of respondents is approximately 37 and estimated time per response is 30 minutes. Project Performance (LM-8) approximately 37 respondents and estimated time per response is 30 minutes. Financial Status Report SF-269a (LM-7) is an OMB form with no agency additions. The estimated time per response is 30 minutes and approximately 37 respondents. FMCS Grants Program Evaluation Questionnaire (LM-9) form number of respondents is approximately 12 respondents and estimated time per response is 60 minutes, and Accounting System and Financial Capability Questionnaire (LM-3) approximately 28 respondents and estimated time per response is 60 minutes.

Abstract: Except for the FMCS Forms LM-3 and LM-9, the forms under consideration herein are either required or recommended in OMB Circulars. The two exceptions are non-recurring forms, the former a questionnaire sent only to non-public sector potential grantees and the latter a questionnaire sent only to former grantees for voluntary completion and submission.

The collected information is used by FMCS to determine annual applicant suitability, to monitor quarterly grant project status, and for on-going program evaluation. If the information were not collected, there could be no accounting

for the activities of the program. Actual use has been the same as intended use.

II. Request for Comments

The OMB is particularly interested in comments which:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the agency's estimates of the burden of the proposed collection of information;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic collection technologies or other forms of information technology, e.g. permitting electronic and fax submission of responses.

List of Subjects

Labor-Management Cooperation Program and Information Collection Requests.

Dated: October 3, 2007.

Fran Leonard,

Acting Chief of Staff, Federal Mediation and Conciliation Service.

[FR Doc. E7-20071 Filed 10-10-07; 8:45 am]

BILLING CODE 6372-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of

a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 5, 2007.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *Integra Bank Corporation*, Evansville, Indiana, to merge with Peoples Community Bancorp, Inc., West Chester, Ohio, and thereby indirectly acquire Peoples Community Bank, West Chester, Ohio.

B. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Castle Creek Capital Partners III, LLC*, Rancho Santa Fe, California., *Castle Creek Capital Partners III, L.P.*, Eggemeyer Capital LLC; *Ruh Capital LLC*; *Legions IV Advisory Corp.*, all of Rancho Santa Fe, California, to acquire up to 15 percent of the voting shares of Centennial Bank Holdings, Inc. and indirectly acquire Guaranty Bank and Trust Company, both of Denver, Colorado.

Board of Governors of the Federal Reserve System, October 5, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7-20029 Filed 10-10-07; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity

that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 5, 2007.

A. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Capitol Bancorp Ltd.*, Lansing, Michigan, and Capitol Development Bancorp Ltd. VI, Lansing, Michigan, to acquire 51 percent of the voting shares of Brookhollow Bank (in organization), Irving, Texas; and Bank of Fort Bend (in organization), Sugar Land, Texas, and engage in operating savings associations, pursuant to section 225.28(b)(4)(ii) of Regulation

2. *Partnership Community Bancshares, Inc.*, Tomac, Wisconsin, to engage de novo in extending credit activities, pursuant to section 225.28(b)(1) of Regulation Y. Comment on this application must be received by October 26, 2007.

Board of Governors of the Federal Reserve System, October 5, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E7-20028 Filed 10-10-07; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Confidentiality, Privacy, and Security Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 15th meeting of the American Health Information Community Confidentiality, Privacy, and Security Workgroup in accordance with the Federal Advisory

Committee Act (Pub. L. 92-463, 5 U.S.C., App.).

DATES: November 8, 2007, from 1 p.m. to 5 p.m. [Eastern Time].

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090 (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: <http://www.hhs.gov/healthit/ahic/confidentiality/>.

SUPPLEMENTARY INFORMATION: The American Health Information Community Confidentiality, Privacy, and Security (CPS) workgroup is seeking public feedback on the following. To submit comments via e-mail (preferred), please send them to cps-wkg@alturum.org (to ensure that your e-mail is received and appropriately filed, we ask that you put "CPS Public Comment" in the subject line of your e-mail) or mail your comments to Steven Posnack, Office of the National Coordinator (ONC), 330 C Street, SW., Suite 4090, Washington, DC 20201. Written testimony submitted by the public is not required to address all of the questions listed below, and answers to any or all of the questions will be accepted so long as they comply with the following guidelines. Comments should be double-spaced and submitted via e-mail or mail by 5 p.m. Eastern Standard Time on November 30, 2007 in order to receive consideration by the CPS workgroup.

On June 12th, 2007 the AHIC accepted for recommendation to the Secretary of HHS the following recommendation made by the CPS Workgroup: All persons and entities, excluding consumers, that participate directly in, or comprise, an electronic health information exchange network, through which individually identifiable health information is stored, compiled, transmitted, modified or accessed should be required to meet enforceable privacy and security criteria at least equivalent to any relevant HIPAA requirements (45 CFR Parts 160 and 164). Furthermore, any person or entity that functions as a Business Associate (as described in 45 CFR 160.103) and participates directly in, or comprises, an electronic health information exchange network should be required to meet enforceable privacy and security criteria at least equivalent to any relevant HIPAA requirements, independent of those established by contractual arrangements (such as a Business Associate Agreement as provided for in HIPAA).

Over the past several months the CPS workgroup has been evaluating, at a

more granular level, two key questions raised by the recommendation above. What constitutes a "relevant" HIPAA requirement for particular "direct participants" and what, if any, additional confidentiality, privacy, security protections may be needed beyond those already contained in the HIPAA Privacy and Security Rules (the Rules) in order to ensure trust in electronic health information exchange.

Given that the Rules were written to be applicable to health plans, healthcare clearinghouses, and health care providers conducting certain electronic health care transactions, we understand that some persons or entities may have an appropriate reason for not needing to meet a particular requirement. To date, the CPS Workgroup is considering recommendations regarding the relevancy of the following HIPAA requirements: (1) § 164.520 Notice of privacy practices for protected health information; (2) § 164.52 Access of individuals to protected health information; and (3) § 164.526 Amendment of protected health information, with respect to organizations such as health information exchanges (HIEs) and regional health information organizations (RHIOs). The Workgroup would like to encourage HIEs, RHIOs and other similar organizations to submit answers to the following questions in order for the Workgroup to validate or refine our current thinking.

(1) Please describe your electronic health information exchange model.

a. What type(s) of health information do you exchange and for what purpose(s)?

b. Who participates in your network (e.g., providers, patients, insurers, labs)?

c. How do you exchange health information?

i. Do you maintain a "repository" where records/health information is stored in one location? If so, is it by provider or as one comprehensive record?

ii. Do you use a record locator (where records reside in numerous locations)?

iii. If neither, please describe.

(2) Have you established business associate contracts or data sharing agreements? If so, with whom (by category of entity)? Have you established contracts or data sharing agreements with all of the participants in your network? If not, why not?

(3) What level of participation do you provide to individuals (e.g. patients/consumers)?

a. Do you provide individuals with a phone number and contact person?

b. Do you permit individuals to access/review/obtain copies of their health information via your network?

c. Do you provide individuals information about who has viewed or exchange their health information?

d. Do you permit individuals to change/amend health information via your network? If so, what type(s) of health information?

e. Do patients of providers or insurers who participate in the network have the right not to have their information shared with you? If so, how is the right exercised? Do individuals who participate have the right to specify certain restrictions with respect to the information that is shared (for example, who can access and what can be accessed)? If so, please describe.

(4) Does our organization have a notice of privacy practices or privacy policy? If so, do you send it out, when, and to whom do you send it to? Do you have it posted on your Web site?

(5) Do you have a policy on notification in the event of a security breach? Do you notify companies/entities participating in your network? Do you ever notify individuals (patients)? If so, in what circumstances?

The meeting will be available via Web cast. For additional information, go to: http://www.hhs.gov/healthit/ahic/cps_instruct.html.

Dated: October 2, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07-5010 Filed 10-10-07 8:45 am]

BILLING CODE 4150-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Quality Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 13th meeting of the American Health Information Community Quality Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.).

DATES: October 31, 2007, from 1 p.m. to 4 p.m. [Eastern Time].

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090 (please

bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT:

<http://www.hhs.gov/healthit/ahic/quality/>.

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on how health information technology can provide the data needed for the development of quality measures that are useful to patients and others in the health care industry, automate the measurement and reporting of a comprehensive current and future set of quality measures, and accelerate the use of clinical decision support that can improve performance on those quality measures.

The meeting will be available via Web cast. For additional information, go to: http://www.hhs.gov/healthit/ahic/quality/quality_instruct.html.

Dated: October 1, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07-5011 Filed 10-10-07; 8:45 am]

BILLING CODE 4150-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Chronic Care Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 19th meeting of the American Health Information Community Chronic Care Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.).

DATES: November 1, 2007 from 1 p.m. to 4 p.m. Eastern Time.

ADDRESS: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090. Please bring photo ID for entry to a Federal building.

FOR FURTHER INFORMATION CONTACT:

<http://www.hhs.gov/healthit/ahic/chroniccare/>.

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on ways to deploy widely available, secure technologies solutions for remote monitoring and assessment of patients and for communication between clinicians about patients.

The meeting will be available via Web cast. For additional information, go to:

http://www.hhs.gov/healthit/ahic/chroniccare/cc_instruct.html.

Dated: October 1, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07-5012 Filed 10-10-07; 8:45 am]

BILLING CODE 4150-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Personalized Healthcare Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the tenth meeting of the American Health Information Community Personalized Healthcare Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.).

DATES: November 26, 2007, from 12 p.m. to 3 p.m. [Eastern Time].

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090. Please bring photo ID for entry to a Federal building.

FOR FURTHER INFORMATION: <http://www.hhs.gov/healthit/ahic/healthcare/>.

SUPPLEMENTARY INFORMATION: The Workgroup will discuss possible common data standards to incorporate interoperable, clinically useful genetic/genomic information and analytical tools into Electronic Health Records (EHR) to support clinical decision-making for the clinician and consumer.

The meeting will be available via Web cast. For additional information, go to: http://www.hhs.gov/healthit/ahic/healthcare/phc_instruct.html.

Dated: October 1, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07-5013 Filed 10-10-07; 8:45 am]

BILLING CODE 4150-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Agency for Healthcare Research and Quality****Agency Information Collection Activities: Proposed Collection; Comment Request**

AGENCY: Agency for Healthcare Research and Quality, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) allow the renewal of the generic information collection project: "Voluntary Customer Surveys Generic Clearance for the Agency for Healthcare Research and Quality" In accordance with the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on August 3, 2007 and allowed 60 days for public comment. No

comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by November 13, 2007.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395-6974 (attention: AHRQ's desk officer) or by e-mail at OIRA_submission@omb.eop.gov (attention: AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from AHRQ's Report Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ, Reports Clearance Officer, (301) 427-1477.

SUPPLEMENTARY INFORMATION:**Proposed Project**

Voluntary Customer Surveys Generic Clearance for the Agency for Healthcare Research and Quality

In response to Executive Order 12862, the Agency for Healthcare Research Quality (AHRQ) plans to conduct voluntary customer surveys to assess strengths and weaknesses in agency program services. Customer surveys to

be conducted by AHRQ may include readership surveys from individuals using AHRQ automated and electronic technology databases to determine satisfaction with the information provided or surveys to assess effect of the grants streamlining efforts. Results of these surveys will be used in future program planning initiatives and to redirect resources and efforts, as needed, to improve AHRQ program services. The current clearance will expire January 31, 2008. This is a request for a generic approval from OMB to conduct customer surveys over the next three years.

Methods of Collection

The data will be collected using a combination of methodologies appropriate to each survey. These methodologies include:

- Evaluation forms;
- Mail surveys;
- Focus groups;
- Automated and electronic technology (e.g., e-mail, Web-based surveys, instant fax, AHRQ Publications Clearinghouse customer feedback) and,
- Telephone surveys.

Estimated Annual Respondent Burden

Type of survey	No. of respondents	Average hour burden response	Total hours of burden
Mail/Telephone Surveys	51,200	0.15	7,680
Automated/Web-based	52,000	0.163	8,476
Focus Groups	200	1.0	200
Totals	103,400	NA	16,356

This information collection will not impose a cost burden on the respondents beyond that associated with their time to provide the required data. There will be no additional costs for capital equipment, software, computer services, etc.

Estimated Annual Costs to the Federal Government

The mail and telephone surveys and focus groups will in some cases be carried out under contract. Assuming the contract cost per survey is \$50,000-\$100,000, and for each focus group is \$20,000, total contract costs could be \$720,000 per year.

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of

AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: October 2, 2007.

Carolyn M. Clancy,
Director.

[FR Doc. 07-5009 Filed 10-10-07; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention****Healthcare Infection Control Practices Advisory Committee (HICPAC)**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned committee:

Times and Dates:

9 a.m.-5 p.m., November 13, 2007.
9 a.m.-4 p.m., November 14, 2007.

Place: Department of Health and Human Services Building, 395 East

Street, SW., Suite 9100, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: The Committee is charged with providing advice and guidance to the Secretary, the Assistant Secretary for Health, the Director, CDC, and the Director, National Center for Preparedness, Detection, and Control of Infectious Diseases (NCPDCID), regarding (1) The practice of hospital infection control; (2) strategies for surveillance, prevention, and control of infections (e.g., nosocomial infections), antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters To Be Discussed: Agenda items will include: IT Standards Update; White Paper Updates; and Updates on the Disinfection and Sterilization Guideline. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Angela B. Scott, Committee Management Specialist, HICPAC, Division of Healthcare Quality Promotion, NCPDCID, CDC, 1600 Clifton Road, NE., Mailstop A-45, Atlanta, Georgia 30333. Telephone: (404) 639-1526.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 4, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. E7-20045 Filed 10-10-07; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N-0241]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Institutional Review Boards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 13, 2007.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-6974, or e-mailed to baguilar@omb.eop.gov. All comments should be identified with the OMB control number 0910-0130.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of the Chief Information Officer (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4816.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Institutional Review Boards—21 CFR 56.115 (OMB Control Number 0910-0130)—Extension

When reviewing clinical research studies regulated by FDA, institutional review boards (IRBs) are required to create and maintain records describing their operations, and make the records available for FDA inspection when requested. These records include: Written procedures describing the structure and membership of the IRB and the methods that the IRB will use in performing its functions; the research protocols, informed consent documents, progress reports, and reports of injuries to subjects submitted by investigators to the IRB; minutes of meetings showing attendance, votes, and decisions made by the IRB, the number of votes on each decision for, against, and abstaining, the basis for requiring changes in or disapproving research; records of continuing review activities; copies of all correspondence between investigators and the IRB; statement of significant new findings provided to subjects of the research; and a list of IRB members by name, showing each member's earned degrees, representative capacity, and experience in sufficient detail to describe each member's contributions to the IRB's deliberations, and any employment relationship between each member and the IRB's institution. This information is used by FDA in conducting audit inspections of IRBs to determine whether IRBs and clinical investigators are providing adequate protections to human subjects participating in clinical research.

In the **Federal Register** of June 28, 2007 (72 FR 35492), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
56.115	5,000	14.6	73,000	100	7,300,000
Total					7,300,000

¹There are no capital costs or operating and maintenance costs associated with this collection of information.

The recordkeeping requirement burden is based on the following: The burden for each of the paragraphs under 21 CFR 56.115 has been considered as one estimated burden. FDA estimates

that there are approximately 5,000 IRBs. The IRBs meet an average of 14.6 times annually. The agency estimates that approximately 100 hours of person-time

per meeting are required to meet the requirements of the regulation.

Dated: October 4, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7-20063 Filed 10-10-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N-0092]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Generic Food and Drug Administration Rapid Response Surveys

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 13, 2007.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-6974, or e-mailed to baguiar@omb.eop.gov. All comments should be identified with the OMB control number 0910-0500. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Jonna Capezzuto, Office of the Chief

Information Officer (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Generic Food and Drug Administration Rapid Response Surveys—(OMB Control Number 0910-0500)—Extension

Section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), requires that important safety information relating to all human prescription drug products be made available to FDA so that it can take appropriate action to protect the public health when necessary. Section 702 of the act (21 U.S.C. 372) authorizes investigational powers to FDA for enforcement of the act. Under section 519 of the act (21 U.S.C. 360i), FDA is authorized to require manufacturers to report medical device-related deaths, serious injuries, and malfunctions to FDA; to require user facilities to report device-related deaths directly to FDA and to manufacturers; and to report serious injuries to the manufacturer. Section 522 of the act (21 U.S.C. 360l) authorizes FDA to require manufacturers to conduct postmarket surveillance of medical devices. Section 705(b) of the act (21 U.S.C. 375(b)) authorizes FDA to collect and disseminate information regarding medical products or cosmetics in situations involving imminent danger to health or gross deception of the consumer. Section 903(d)(2) of the act (21 U.S.C. 393(d)(2)) authorizes the Commissioner of Food and Drugs to implement general powers (including conducting research) to carry out effectively the mission of FDA. These

sections of the act enable FDA to enhance consumer protection from risks associated with medical products usage that are not foreseen or apparent during the premarket notification and review process. FDA's regulations governing application for agency approval to market a new drug (21 CFR part 314) and regulations governing biological products (21 CFR part 600) implement these statutory provisions. Currently FDA monitors medical product related postmarket adverse events via both the mandatory and voluntary MedWatch reporting systems using FDA Forms 3500 and 3500A (OMB control number 0910-0291) and the vaccine adverse event reporting system. FDA is seeking OMB clearance to collect vital information via a series of rapid response surveys. Participation in these surveys will be voluntary. This request covers rapid response surveys for community based health care professionals, general type medical facilities, specialized medical facilities (those known for cardiac surgery, obstetrics/gynecology services, pediatric services, etc.), other health care professionals, patients, consumers, and risk managers working in medical facilities. FDA will use the information gathered from these surveys to obtain quickly vital information about medical product risks and interventions to reduce risks so the agency may take appropriate public health or regulatory action including dissemination of this information as necessary and appropriate.

In the **Federal Register** of March 22, 2007 (72 FR 13498), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN¹

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
200	30	6000	.5	3000

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA projects 30 emergency risk related surveys per year with a sample of between 50 and 200 respondents per survey. FDA also projects a response time of 0.5 hours per response. These estimates are based on the maximum sample size per questionnaire that FDA can analyze in a timely manner. The annual frequency of response was determined by the maximum number of

questionnaires that will be sent to any individual respondent. Some respondents may be contacted only one time per year, while other respondents may be contacted several times annually, depending on the human drug, biologic, or medical device under evaluation. It is estimated that, given the expected type of issues that will be addressed by the surveys, it will take 0.5

hours for a respondent to gather the requested information and fill in the answers.

Dated: October 4, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7-20067 Filed 10-10-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration

[Docket No. 2007N-0240]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 13, 2007.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-6974, or e-mailed to baguilar@omb.eop.gov. All comments should be identified with the OMB control number 0910-0233. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of the Chief Information Officer (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4816.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed

collection of information to OMB for review and clearance.

Patent Term Restoration, Due Diligence Petitions, Filing, Format, and Content of Petitions—21 CFR Part 60 (OMB Control Number 0910-0233)—Extension

FDA's patent extension activities are conducted under the authority of the Drug Price Competition and Patent Term Restoration Act of 1984 (21 U.S.C. 355(j)) and the Animal Drug and Patent Term Restoration Act of 1988 (35 U.S.C. 156). New human drug, animal drug, human biological, medical device, food additive, or color additive products regulated by FDA must undergo FDA safety, or safety and effectiveness, review before marketing is permitted. Where the product is covered by a patent, part of the patent's term may be consumed during this review, which diminishes the value of the patent. In enacting the Drug Price Competition and Patent Term Restoration Act of 1984 and the Animal Drug and Patent Term Restoration Act of 1988, Congress sought to encourage development of new, safer, and more effective medical and food additive products. It did so by authorizing the U.S. Patent and Trademark Office (PTO) to extend the patent term by a portion of the time during which FDA's safety and effectiveness review prevented marketing of the product. The length of the patent term extension is generally limited to a maximum of 5 years, and is calculated by PTO based on a statutory formula. When a patent holder submits an application for patent term extension to PTO, PTO requests information from FDA, including the length of the regulatory review period for the patented product. If PTO concludes that the product is eligible for patent term extension, FDA publishes a notice that describes the length of the regulatory review period and the dates used to calculate that period. Interested

parties may request, under § 60.24 (21 CFR 60.24), revision of the length of the regulatory review period, or may petition under § 60.30 (21 CFR 60.30) to reduce the regulatory review period by any time where marketing approval was not pursued with "due diligence." The statute defines due diligence as "that degree of attention, continuous directed effort, and timeliness as may reasonably be expected from, and are ordinarily exercised by, a person during a regulatory review period." As provided in § 60.30(c), a due diligence petition "shall set forth sufficient facts, including dates if possible, to merit an investigation by FDA of whether the applicant acted with due diligence." Upon receipt of a due diligence petition, FDA reviews the petition and evaluates whether any change in the regulatory review period is necessary. If so, the corrected regulatory review period is published in the **Federal Register**. A due diligence petitioner not satisfied with FDA's decision regarding the petition may, under § 60.40 (21 CFR 60.40), request an informal hearing for reconsideration of the due diligence determination. Petitioners are likely to include persons or organizations having knowledge that FDA's marketing permission for that product was not actively pursued throughout the regulatory review period. The information collection for which an extension of approval is being sought is the use of the statutorily created due diligence petition.

Since 1992, nine requests for revision of the regulatory review period have been submitted under § 60.24. Four regulatory review periods have been altered. Two due diligence petitions have been submitted to FDA under § 60.30. There have been no requests for hearings under § 60.40 regarding the decisions on such petitions.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
60.24(a)	9	1	9	100	900
60.30	2	0	2	50	100
60.40	0	0	0	0	0
Total					1,000

¹There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of July 9, 2007 (72 FR 37242), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

Dated: October 4, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7-20070 Filed 10-10-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N-0036]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Toll-Free Number for Consumer Reporting of Drug Product Side Effects: Comprehension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Toll-Free Number for Consumer Reporting of Drug Product Side Effects: Comprehension" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT:

Karen L. Nelson, Office of the Chief Information Officer (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4816.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 2, 2007 (72 FR 5056), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910-0603. The approval expires on January 31, 2008. A copy of the supporting statement for this information collection is available on the Internet at <http://www.fda.gov/ohrms/dockets>.

Dated: October 4, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7-20075 Filed 10-10-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Quality System Regulation Educational Forum on Design Controls; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA), Office of Regulatory Affairs, Southwest Region, Dallas District Office, in collaboration with the FDA Medical Device Industry Coalition (FMDIC), is announcing a public workshop entitled "Quality System Regulation Educational Forum on Design Controls." This public workshop is intended to provide information about FDA's Medical Device Quality Systems Regulation (QSR) to the regulated industry, particularly small businesses.

Date and Time: The public workshop will be held on April 4, 2008, from 8 a.m. to 5 p.m.

Location: The public workshop will be held at the Omni Mandalay Hotel at Las Colinas, 221 East Las Colinas Blvd., Dallas (Irving), TX 75039. Directions to the facility are available at the FMDIC Web site at <http://www.fmdic.org/>.

Contact Person: David Arvelo, Food and Drug Administration, 4040 North Central Expressway, suite 900, Dallas, TX 75204, 214-253-4952, FAX: 214-253-4970, e-mail david.arvelo@fda.hhs.gov.

Registration: FMDIC has a \$250 early registration fee. Early registration ends March 21, 2008. Registration is \$350 thereafter. To register online, please visit <http://www.fmdic.org/>. As an alternative, you may send registration information including name, title, firm name, address, telephone and fax numbers, and e-mail, along with a check or money order for the appropriate amount payable to the FMDIC, to Dr. William Hyman, Texas A&M University, Department of Biomedical Engineering, 3120 TAMU, College Station, TX 75843-3120. Registration onsite will be accepted on a space available basis on the day of the public workshop beginning at 8 a.m. The cost of registration at the site is \$350 payable to the FMDIC. The registration fee will be used to offset expenses of hosting the event, including meals, refreshments, meeting rooms, and materials.

If you need special accommodations due to a disability, please contact David Arvelo (see *Contact Person*) at least 21 days in advance.

Transcripts: Transcripts of this event will not be available due to the format of this workshop. Event handouts may be requested in writing from the Freedom of Information Office (HFI-35), Food and Drug Administration, 5600 Fishers Lane, rm. 6-30, Rockville, MD 20857, approximately 15 working days after the public workshop at a cost of 10 cents per page.

SUPPLEMENTARY INFORMATION: The workshop is being held in response to the interest in the topics discussed from small medical device manufacturers in the Dallas District area. FMDIC and FDA present this workshop to help achieve objectives set forth in section 406 of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 393), which include working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. This is also consistent with the purposes of FDA's Regional Small Business Program, which are in part to respond to industry inquiries, develop educational materials, sponsor workshops and conferences to provide firms, particularly small businesses, with firsthand working knowledge of FDA's requirements and compliance policies. This workshop is also consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), as an outreach activity by Government agencies to small businesses.

The goal of the workshop is to present information that will enable manufacturers and regulated industry to better comply with the Medical Device QSR. The following topics will be discussed at the workshop: (1) Planning design controls, (2) design inputs and outputs, (3) design validation and verification, (4) design transfer and change, (5) control of suppliers, (6) design history file, and (7) how design controls relate to corrective and preventive action, change control, and risk management.

Dated: October 4, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7-20077 Filed 10-10-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104-13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443-1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information should have practical utility; (b) the accuracy of the agency's estimate of the burden of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Proposed Project: The National Sample Survey of Registered Nurses 2008 (OMB No. 0915-0276)—Reinstatement with Change

The National Sample Survey of Registered Nurses (NSSRN) is carried out to assist in fulfilling the congressional mandate of section 806(f) of the Public Health Service Act (42 U.S.C. 296e) requiring that discipline-specific workforce information and analytical activities are carried out as part of the advanced nursing education, workforce diversity, and basic nursing education and practice programs.

Government agencies, legislative bodies and health professionals use data from previous national sample surveys of registered nurses to inform workforce policies. The information from this survey will continue to serve policy makers and other consumers. The data collected in this survey will provide information on employment status of

registered nurses (RNs), the setting in which they are employed and the proportion of RNs who are employed full-time and part-time in nursing. The data will also indicate the number of RNs who are employed in jobs unrelated to nursing.

The proposed survey design for the 2008 NSSRN updates the design used in the previous eight surveys. A probability sample is selected from a sampling frame compiled from files provided by the State Boards of Nursing in the 50 States and the District of Columbia. These files constitute a multiple sampling frame of all RNs licensed in the 50 States and the District of Columbia. Sampling rates are set for each State based on considerations of statistical precision of the estimates and the costs involved in obtaining reliable national and State-level estimates.

Each sampled nurse will be asked to complete a self-administered questionnaire, which includes items on educational background, duties, employment status and setting, geographic mobility, and income. An electronic version was offered in the 2004 survey and will be again considered as a mode for response.

Estimated burden is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hour
Nursing Survey	42,204	1	42,204	.33	13,927

Send comments to Susan Queen, Ph.D., HRSA Reports Clearance Officer, Room 10-33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: October 3, 2007.

Alexandra Huttinger,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. E7-20079 Filed 10-10-07; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following meeting:

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: October 30, 2007, 9 a.m. to 5 p.m. EST.

Place: Parklawn Building (and via audio conference call), Conference Rooms D & E, 5600 Fishers Lane, Rockville, MD 20857.

The ACCV will meet on Tuesday, October 30 from 9 a.m. to 5 p.m. (EST). The public can join the meeting via audio conference call by dialing 1-888-552-9483 on October 30 and providing the following information:

Leader's Name: Dr. Geoffrey Evans.

Password: 8321070.

Agenda: The agenda items for the October meeting will include, but are not limited to: Discussion of Vaccine Information Statements, report from the ACCV Futures II Workgroup, updates from the Division of Vaccine Injury Compensation (DVIC), Department of Justice, National Vaccine Program Office, Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health), and Center for Biologics Evaluation and Research (Food and Drug

Administration). Agenda items are subject to change as priorities dictate.

Public Comments: Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Michelle Herzog, DVIC, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C-26, 5600 Fishers Lane, Rockville, Maryland 20857 or e-mail: mherzog@hrsa.gov. Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. DVIC will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the comment

period. These persons will be allocated time as it permits.

FOR FURTHER INFORMATION CONTACT:

Anyone requiring information regarding the ACCV should contact Michelle Herzog, DVIC, HSB, HRSA, Room 11C-26, 5600 Fishers Lane, Rockville, MD 20857; telephone (301) 443-6593 or e-mail: mherzog@hrsa.gov.

Dated: October 4, 2007.

Alexandra Huttinger,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. E7-20073 Filed 10-10-07; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 30-day notice and request for comments; revision of a currently approved collection OMB No. 1660-0047, FEMA Form 90-129, Mission Assignment, and FEMA Form 90-136, Action Request.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the Mission Assignment (MA) form that is used to record requests for Federal assistance by State and Federal entities to FEMA, and the Action Request (AR) form which is used to request Federal assistance.

Title: Request for Federal Assistance Form—How to Process Mission Assignments in Federal Disaster Operations.

OMB Number: 1660-0047.

Abstract: The MA form is used to record a request for Federal assistance by States and Federal entities to FEMA, and may become the official FEMA obligating document if a mission assignment to another Federal agency results from the request. Mission assignments are directives provided by FEMA to another agency to perform specific work in disaster operations, on a reimbursable basis and are defined in

the 44 CFR 206.2(a)(18) and to record Federal approving signatures.

Affected Public: State, local or tribal governments and Federal Government.

Number of Respondents: 56.

Estimated Time per Respondent: 8 hours and 23 minutes.

Estimated Total Annual Burden Hours: 1,739.

Estimated Cost: Cost to respondent is estimated to be approximately \$61,195.41 annually.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Nathan Lesser, Desk Officer, Department of Homeland Security/FEMA, and sent via electronic mail to oira_submission@omb.eop.gov or faxed to (202) 395-6974. Comments must be submitted on or before November 13, 2007.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection should be made to Director, Records Management, FEMA, 500 C Street, SW., Room 609, Washington, DC 20472, facsimile number (202) 646-3347, or e-mail address FEMA-Information-Collections@dhs.gov.

Dated: October 3, 2007.

John A. Sharets-Sullivan,

Director, Records Management and Privacy, Office of Management Directorate, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7-19994 Filed 10-10-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-3277-EM]

Texas; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Texas (FEMA-3277-EM), dated August 18, 2007, and related determinations.

DATES: *Effective Date:* September 5, 2007.

FOR FURTHER INFORMATION CONTACT:

Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 5, 2007.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E7-19987 Filed 10-10-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

NiSource Inc. Application for an Incidental Take Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement, announcement of public scoping meetings, and request for comments.

SUMMARY: Pursuant the National Environmental Policy Act (NEPA) of 1969, as amended, we, the Fish and Wildlife Service (Service), as lead agency, are advising the public that we intend to prepare an Environmental Impact Statement (EIS) on a proposed application from NiSource Inc. (Applicant) for an Incidental Take Permit (ITP) issued under Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The ITP would potentially include multiple federally listed species across 17 States and cover NiSource operations, maintenance, construction, and emergency response activities associated with the company's interstate natural gas transmission and storage business.

We provide this notice to (1) describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, potentially affected tribal interests, and the public of our intent to prepare an EIS; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues to be included in the EIS.

DATES: To ensure consideration, we must receive your written comments on or before November 30, 2007. For approximate public meeting dates, see "Public Meetings."

ADDRESSES: Send your comments or request for information by any one of the following methods:

- *U.S. Mail:* Regional Director, U.S. Fish and Wildlife Service, Division of Ecological Services, 1 Federal Drive, Fort Snelling, MN 55111-4056.

- *Facsimile:* 612-713-5292.

- *E-Mail:* http://infoman.amec.com/SIMS_PublicComment/.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Magnuson, at 612-713-5467 or tom_magnuson@fws.gov, or Mr. Forest Clark, at 812-334-4261 ext. 206 or forest_clark@fws.gov.

SUPPLEMENTARY INFORMATION:

Public Meetings

To facilitate information transfer, we will hold public meetings in the following cities between November 5, 2007, and November 16, 2007: Lafayette, LA; Jackson, MS; Nashville TN; Lexington, KY; Philadelphia, PA; Pittsburgh, PA; Columbus, OH; Cleveland, OH; Charleston, WV; Richmond, VA; Washington, D.C.; Binghamton, NY; and Portsmouth, NH. Specific locations, dates, and times of public meetings can be found at the following Web site: http://www.fws.gov/midwest/Endangered/permits/hcp/hcp_nisource.html.

Reasonable Accommodations

Persons needing reasonable accommodations in order to attend and participate in the public meetings should contact the Service at the address above no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Background

The operations conducted by the Applicant's subject subsidiaries—Columbia Gas Transmission Corporation, Columbia Gulf Transmission Corporation, Granite State Gas Transmission Corporation and Crossroads Pipeline Corporation—are specific only to the interstate natural gas

transmission and storage business. The Applicant's primary operations are subject to the Natural Gas Act (15 U.S.C. 717, *et seq.*) (NGA), and fall under the direct jurisdiction of the Federal Energy Regulatory Commission (FERC) and the U.S. Department of Transportation (USDOT). The proposed ITP would be granted for those activities undertaken by the four Applicant subsidiaries noted above.

The Applicant currently maintains and operates approximately 17,000 miles of onshore and offshore interstate natural gas transmission pipelines and appurtenant facilities in Louisiana, Mississippi, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, New Hampshire, Maine, Maryland, and Massachusetts. In addition, the Applicant operates and maintains underground natural gas storage fields (36) in conjunction with its pipeline system which are comprised of approximately 3,600 individual storage wells in West Virginia, Ohio, Pennsylvania, and New York.

The Applicant currently addresses listed species-related concerns pursuant to Section 7 of the Act (16 U.S.C. 1531, *et seq.*), as well as associated NGA regulations which are under the purview of the FERC and/or associated with U.S. Army Corps of Engineers' (USACE) permitting requirements.

Section 9 of the Act and its implementing regulations prohibit the take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). We have certain responsibilities for the conservation and protection of threatened and endangered species under the Act. Section 10 of the Act, 16 U.S.C. 1539, establishes a program whereby persons seeking to pursue activities that otherwise could give rise to liability for unlawful "take" of federally protected species may receive an ITP, which protects them from such liability. To obtain an ITP, an applicant must submit a Habitat Conservation Plan (HCP) containing appropriate

minimization and mitigation measures and ensure that the taking is incidental to, and not the purpose of, an otherwise lawful activity (16 U.S.C. 1539(a)(1)(B) and 1539(a)(2)(A)). Once we have determined that the applicant has satisfied these and other statutory criteria, we may issue the ITP.

The Applicant has entered into discussions with us to explore ways to more efficiently address their Act obligations, while also maximizing the conservation and mitigation that they undertake on a yearly basis through the traditional Section 7 process. The Applicant has also initiated discussions with FERC and USACE, and other stakeholders (States, non-governmental organizations, etc.). Accordingly, both FERC and USACE will be cooperating agencies for the environmental review process.

If successful, the Applicant's HCP and subsequent ITP would allow take authorization for otherwise lawful activities, such as the Applicant's facility construction, maintenance, operation, and emergency response activities inherent to its interstate natural gas transmission and storage business. The HCP will contain a multifaceted approach, including but not limited to take avoidance, minimization (*e.g.*, through proven and defined best management practices), and mitigation through potential preservation, restoration, and enhancement measures. The Applicant must also ensure that adequate funding for implementation and compliance monitoring be provided.

Species the Applicant has proposed for inclusion in the HCP are species that are currently listed as federally threatened or endangered or have the potential to become listed during the life of this HCP, and have some likelihood of occurring within the project area (as defined in Table 1 below). Only those species under the purview of the Service will be assessed in the EIS and included in the ITP.

The project area (*i.e.*, proposed "covered lands") is hereby defined as a 1-mile wide corridor centered upon the Applicant's existing facilities (*i.e.*, 1/2 mile on each side of the right-of-way center line).

TABLE 1.—SPECIES PROPOSED FOR INCLUSION IN THE NISOURCE HCP

Common name	Scientific name	Federal status	Where listed	Final listing rule
Gray Bat	<i>Myotis grisescens</i>	E	AL, AR, FL, GA, IL, IN, KS, KY, MO, OK, TN, VA, WV.	41 FR 17736.

TABLE 1.—SPECIES PROPOSED FOR INCLUSION IN THE NISOURCE HCP—Continued

Common name	Scientific name	Federal status	Where listed	Final listing rule
Indiana bat	Myotis sodalist	E	AL, AR, CT, GA, IL, IN, IA, KY, MD, MI, MS, MO, NJ, NC, OH, OK, PA, TN, VT, VA, WV.	32 FR 4001.
Louisiana black bear	Ursus americanus luteolus	T	LA, MS, TX	57 FR 588.
Virginia big-eared bat	Plecotus townsendii virginianus	E	KY, NC, VA, WV	44 FR 69206.
Virginia northern flying squirrel	Glaucomys sabrinus fuscus	E	VA, WV	50 FR 26999.
New England Cottontail	Sylvilagus transitionalis	C.		
Bald eagle	Haliaeetus leucocephalus	T	Delisted	72 FR 37346.
Brown pelican	Pelecanus occidentalis Linnaeus ..	E	CA, LA, MS, OR, PR, TX, VI, WA	35 FR 16047.
Interior least tern	Sterna antillarum	E	AR, CO, IL, IA, KS, KY, LA, MS, MO, MT, NE, NM, ND, OK, SD, TN, TX.	50 FR 21784.
Piping plover	Charadrius melodus	E/T/CH	Great Lakes E—IL, IN, MI, MN, NY, OH, PA, WI; Remaining T—AL, CO, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PR, RI, SC, TX, VA, WV.	50 FR 50726, Critical Habitat—66 FR 57637 Northern Great Plains, 66 FR 22938 Great Lakes.
Red cockaded woodpecker	Picoides borealis	E	AL, AR, FL, GA, LA, MS, NC, OK, SC, TX, VA.	35 FR 16047.
Bog turtle	Glyptemys muhlenbergii	T	GA, NC, SC, VA, CT, DE, MD, MA, NJ.	62 FR 59605.
Copperbelly watersnake	Nerodia erthrogaster neglecta	T	IN, MI, OH	62 FR 4183.
Eastern Massasauga	Sistrurus catenatus catenatus	C.		
Louisiana pine snake	Pituophis ruthveni	C.		
Cheat mountain salamander	Plethodon nettingi	T	WV	54 FR 34464.
Shenandoah salamander	Plethodon Shenandoah	E	VA	54 FR 34464.
Maryland darter	Etheostoma sellare	E	MD	32 FR 4001.
Pallid sturgeon	Scaphirhynchus albus	E	AR, IL, IA, KS, KY, LA, MS, MO, MT, NE, ND, SD, TN.	55 FR 36641.
Roanoke logperch	Percina rex	E	VA	54 FR 34464.
Spotfin chub	Erimonax monachus	T	TN	42 FR 45526.
Madison cave isopod	Antrolana lira	T	VA, WV	47 FR 43699.
Nashville crayfish	Orconectes shoupi	E	TN	51 FR 34410.
Clubshell	Pleurobema clava	E	IN, KY, MI, OH, PA, WV	58 FR 5638.
Birdwing pearlymussel	Lemiox rimosus	E	TN, VA.	
Cracking pearlymussel	Hemistena lata	E	AL, IN, KY, PA, TN, VA	54 FR 39850.
Cumberland monkeyface pearlymussel.	Quadrula Rafinesque	E	AL, TN, VA	41 FR 24062.
Dwarf wedgemussel	Alasmidonta heterodon	E	CT, MD, MA, NH, NJ, NC, PA, VT, VA.	55 FR 9447.
Fanshell	Cyprogenia stegaria	E	AL, IL, IN, KY, OH, TN, VA, WV ...	55 FR 25591.
Fat pocketbook	Potamilus capax	E	AR, IL, IN, KY, MS, MO	41 FR 24062.
James spiny mussel	Pleurobema collina	E	NC, VA, WV	53 FR 27693.
Louisiana pearlshell	Margaritifera hembeli	T	LA	58 FR 49935.
Northern riffleshell	Epioblasma torulosa rangiana	E	IN, KY, MI, OH, PA, WV	58 FR 5638.
Orangefoot pimpleback pearlymussel.	Plethobasus cooperianus	E	AL, IL, IN, KY, PA, TN	41 FR 24062.
Oyster mussel	Epioblasma capsaeformis	E/CH	AL, KY, TN, VA	62 FR 1647.
Pink mucket pearlymussel	Lampsilis orbiculata	E	AL, AR, IL, IN, KY, LA, MO, OH, PA, TN, VA, WV.	41 FR 24026.
Purple catpaw pearlymussel	Epioblasma obliquata	E	AL, KY, OH, TN	55 FR 28209.
Rayed bean	Villosa fabalis	C.		
Ring pink mussel	Obovaria retusa	E	AL, IN, KY, PA, TN	54 FR 40109.
Rough pigtoe	Pleurobema plenum	E	AL, IN, KY, PA, TN, VA	42 FR 24062.
Sheepnose	Plethobasus cyphus	C.		
Slabside pearlymussel	Lexingtonia dolabelloides	C.		
Spectaclecase	Cumberlandia monodonta	C.		
Tan riffleshell	Epioblasma florentina walkeri	E	KY, TN, VA	42 FR 42351.
White cat's paw pearlymussel	Epioblasma obliquata perobliqua ..	E	IN, OH	41 FR 24062.
White wartyback pearlymussel	Plethobasus cicatricosus	E	AL, IN, KY, TN	41 FR 24062.
American burying beetle	Nicrophorus americanus	E	AR, MA, MI, NE, OH, OK, RI, SD	54 FR 29652.
Karner blue butterfly	Lycæides melissa Samuelis	E	IL, IN, MI, MN, NH, NY, OH, WI ...	57 FR 59236.
American chaffseed	Schwalbea americana L	E	AL, FL, GA, LA, MS, NJ, NC, SC	57 FR 44703.
Eastern prairie fringed orchid	Platanthera leucophaea	T	AR, IL, IA, ME, MI, OH, OK, VA, WI.	54 FR 39857.
Globe bladderpod (previously Short's bladderpod).	Lesquerella globosa	C.		
Harperella	Ptilimnium nodosum	E	AL, AR, GA, MD, NC, SC, VA, WV	53 FR 37978.

TABLE 1.—SPECIES PROPOSED FOR INCLUSION IN THE NISOURCE HCP—Continued

Common name	Scientific name	Federal status	Where listed	Final listing rule
Lakeside daisy	<i>Tetraneuris herbacea</i>	E	IL, MI, OH	53 FR 23742.
Leafy prairie clover	<i>Dalea foliosa</i>	E	AL, IL, TN	56 FR 19953.
Leedy's roseroot	<i>Rhodiola integrifolia</i> ssp. <i>Leedyi</i> ...	T	MN, NY	57 FR 14649.
Mead's milkweed	<i>Asclepias meadii</i>	T	IL, IN, IA, KS, MO	53 FR 33992.
Michaux's sumac	<i>Rhus michauxii</i>	T	GA, NC, SC, VA	54 FR 39850.
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	MD, MA, NH, PA, VT, VA, WV	56 FR 21091.
Northern Monkshood	<i>Aconitum noveboracense</i>	E	IA, NY, OH, WI	43 FR 17910.
Pondberry	<i>Lindera melissifolia</i>	E	AR, GA, MS, MO, NC, SC	51 FR 27495.
Price's potato bean	<i>Apios priceana</i>	T	AL, IL, KY, MS, TN	55 FR 429.
Running buffalo clover	<i>Trifolium stoloniferum</i>	E	AR, IN, KY, MO, OH, WV	52 FR 21478.
Sandplain gerardia	<i>Agalinis acuta</i>	E	CT, MD, MA, NY, RI	53 FR 34701.
Sensitive joint-vetch	<i>Aeschynomene sensitive</i>	T	MD, NJ, NC, VA	57 FR 21569.
Shale barren rockcress	<i>Arabis serotina</i>	E	VA, WV	54 FR 29655.
Short's goldenrod	<i>Solidago shortii</i>	E	IN, KY	50 FR 36085.
Small whorled pogonia	<i>Isotria medeoloides</i>	T	CT, DE, GA, IL, ME, MA, MI, NH, NJ, NC, OH, PA, RI, SC, TN, VA, WV.	59 FR 50852.
Smooth coneflower	<i>Echinacea laevigata</i>	E	GA, NC, SC, VA	57 FR 46340.
Spring Creek bladderpod	<i>Lesquerella perforate</i>	E	TN	61 FR 67493.
Swamp pink	<i>Helonias bullata</i> L	T	DE, GA, MD, NJ, NC, SC, VA	53 FR 35076.
Tennessee purple coneflower	<i>Echinacea tennesseensis</i>	E	TN	44 FR 32604.
Tennessee yellow-eyed grass	<i>Xyris tennesseensis</i> kral	E .....	.....	56 FR 34151.
Virginia sneezeweed	<i>Helenium virginicum</i>	T	MD, VA	63 FR 59239.
Virginia spiraea	<i>Spiraea virginiana</i>	T	GA, KY, NC, OH, PA, TN, VA, WV	55 FR 24241.
White Fringeless Orchid	<i>Platanthera integrilabia</i>	C.	.....	.....
White-haired goldenrod	<i>Solidago albopilosa</i>	T	KY	53 FR 11612.

Environmental Impact Statement

We will be the lead Federal agency in the preparation of an EIS that will satisfy the requirements of the National Environmental Policy Act (NEPA; (42 U.S.C. 4321, *et seq.*). USACE and FERC will serve as cooperating agencies during the preparation of the EIS. With this NOI, we ask other Federal, State, and local agencies with jurisdiction and/or special expertise with respect to environmental issues, in addition to those agencies that have already agreed to serve as cooperating agencies (as noted above), to formally cooperate with us in the preparation of the EIS. Agencies that would like to request cooperating agency status on the EIS should follow the instructions for filing comments provided under the Addresses section of this NOI.

The EIS will consider the proposed action (i.e., the issuance of a Section 10(a)(1)(B) permit under the Act, as supported by an HCP), no action (no HCP/no Section 10 permit), and a reasonable range of alternatives that accomplish the purpose and need of the proposal. A detailed description of the proposed action and alternatives will be included in the EIS. The alternatives to be considered for analysis in the EIS may include, but not be limited to, modified lists of covered species, land coverage areas, and activities coverage. The EIS will also identify potentially significant impacts on biological

resources, land use, air quality, water quality, water resources, economics, and other environmental/historical resources that may occur directly or indirectly as a result of implementing the proposed action or any of the alternatives. Various strategies for avoiding, minimizing, and mitigating the impacts of incidental take may also be considered.

Environmental review of the EIS will be conducted in accordance with the requirements of NEPA, its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and our procedures for compliance with those regulations. We furnish this notice in accordance with 40 CFR 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives they believe need to be addressed in the EIS. The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action. Written comments from interested parties are invited to ensure that the full range of issues related to the proposed permit application is identified. Comments will only be accepted in written form.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 19, 2007.

Wendi Weber,

Assistant Regional Director, Great Lakes-Big Rivers Region.

[FR Doc. E7–20039 Filed 10–10–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14830–A and F–14830–A2, AK–962–1410–KC–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Nerklikmute Native Corporation, for lands in the vicinity of the Native village of Andreafski, Alaska, and are located in:

Seward Meridian, Alaska

T. 21 N., R. 75 W.,
Secs. 16, 19, and 20.
Containing 643.69 acres.

T. 21 N., R. 76 W.,
Sec. 5;
Secs. 23 to 26, inclusive.
Containing 2,860.89 acres.
Aggregating 3,504.58 acres.

The subsurface estate in these lands will be conveyed to Calista Corporation when the surface estate is conveyed to Nerklukmte Native Corporation. Notice of the decision will also be published four times in the Tundra Drums.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until 30 days after publication in the **Federal Register** to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907-271-5960, or by e-mail at ak.blm.conveyance@ak.blm.gov. Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

D. Kay Erben,

Title and Law Examiner, Branch of Adjudication II.

[FR Doc. E7-20068 Filed 10-10-07; 8:45 am]

BILLING CODE 4310-SS-P

DEPARTMENT OF THE INTERIOR**Minerals Management Service**

**Agency Information Collection
Activities: Submitted for Office of
Management and Budget (OMB)
Review; Comment Request**

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010-0086).

SUMMARY: To comply with the Paperwork Reduction Act of 1995

(PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR 250, subpart P, Sulphur Operations. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by November 13, 2007.

ADDRESSES: You may submit comments either by fax (202) 395-6566 or e-mail (OIRA_DOCKET@omb.eop.gov) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010-0086). Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Cheryl Blundon; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817. If you wish to e-mail your comments to MMS, the address is:

rules.comments@mms.gov. Reference Information Collection 1010-0086 in your subject line and mark your message for return receipt. Include your name and return address in your message text.

FOR FURTHER INFORMATION CONTACT:

Cheryl Blundon, Regulations and Standards Branch, (703) 787-1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 250, Subpart P, Sulphur Operations.

OMB Control Number: 1010-0086.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801, *et seq.*), authorizes the Secretary of the Interior (Secretary) to preserve, protect, and develop sulphur resources on the OCS; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations "to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein" and to include provisions "for the prompt and efficient exploration and development of a lease area." These authorities and

responsibilities are among those delegated to MMS under which we issue regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases. This information collection request addresses the regulations at 30 CFR Part 250, Subpart P, Sulphur Operations, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

The MMS uses the information collected to ascertain the condition of drilling sites for the purpose of preventing hazards inherent in drilling and production operations and to evaluate the adequacy of equipment and/or procedures to be used during the conduct of drilling, well-completion, well-workover, and production operations. For example, MMS uses the information to:

- Ascertain that a discovered sulphur deposit can be classified as capable of production in paying quantities.
- Ensure accurate and complete measurement of production to determine the amount of sulphur royalty payments due the United States; and that the sale locations are secure, production has been measured accurately, and appropriate follow-up actions are initiated.
- Ensure that the drilling unit is fit for the intended purpose.
- Review expected oceanographic and meteorological conditions to ensure the integrity of the drilling unit (this information is submitted only if it is not otherwise available).
- Review hazard survey data to ensure that the lessee will not encounter geological conditions that present a hazard to operations.
- Ensure the adequacy and safety of firefighting plans.
- Ensure the adequacy of casing for anticipated conditions.
- Review log entries of crew meetings to verify that crew members are properly trained.
- Review drilling, well-completion, and well-workover diagrams and procedures to ensure the safety of the proposed drilling, well-completion, and well-workover operations.
- Review production operation procedures to ensure the safety of the proposed production operations.
- Monitor environmental data during operations in offshore areas where such data are not already available to provide a valuable source of information to evaluate the performance of drilling rigs

under various weather and ocean conditions. This information is necessary to make reasonable determinations regarding safety of operations and environmental protection.

Responses are mandatory. No questions of a "sensitive" nature are asked. MMS will protect proprietary information according to 30 CFR 250.197, "Data and information to be

made available to the public or for limited inspection", and 30 CFR Part 252, "OCS Oil and Gas Information Program."

Frequency: The frequency varies by section, but is generally on occasion.

Estimated Number and Description of Respondents: Approximately 1 Federal OCS sulphur lessee.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The

following chart details the components of the hour burden for the information collection requirements in subpart P—an estimated total of 903 burden hours. In estimating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250	Reporting and recordkeeping requirement	Hour burden	Average No. of annual responses	Annual burden hours
Submittals/Notifications				
1600	Submit exploration or development and production plan.	Burden included in (1010–0151)		0
1605; 1617; 1618; 1619(b); 1622.	Submit forms MMS–123 (Application for Permit to Drill), MMS–124 (Application for Permit to Modify), form MMS–125 (End of Operations Report).	Burden included in (1010–0141)		0
1605(b)(3)	Submit data and information on fitness of drilling unit.	4	1 submission	4
1605(d)	Submit results of additional surveys and soil borings upon request*.	1	1 submission	1
1605(f)	Submit application for installation of fixed drilling platforms or structures.	Burden included in (1010–0149)		0
1608	Submit well casing and cementing plan or modification.	5	1 plan	5
1619(c), (d), (e)	Submit copies of records, logs, reports, charts, etc., upon request.	1	8 submissions	8
1628(b), (d)	Submit application for design and installation features of sulphur production facilities and fuel gas safety system; certify new installation conforms to approved design.	4	1 application	4
1630(a)(5)	Notify MMS of pre-production test and inspection of safety system and commencement of production.	.....	2 notifications	1
1633(b)	Submit application for method of production measurement.	2	1 application	2
Subtotal .....	.....	.....	15	25
Requests				
1603(a)	Request determination whether sulphur deposit can produce in paying quantities.	1	1 request	1
1605(e)(5)	Request copy of directional survey (by holder of adjoining lease)*.	1	1 request	1
1607	Request establishment, amendment, or cancellation of field rules for drilling, well-completion, or well-workover.	8	2 requests	16
1610(d)(8)	Request exception to ram-type blowout preventer (BOP) system components rated working pressure.	1	1 request	1
1611(b); 1625(b)	Request exception to water-rated working pressure to test ram-type and annular BOPs and choke manifold.	1	1 request	1
1611(f); 1625(f)	Request exception to recording pressure conditions during BOP tests on pressure charts*.	1	1 request	1
1612	Request exception to § 250.408 requirements for well-control drills*.	1	1 request	1
1615	Request exception to blind-shear ram or pipe rams and inside BOP to secure wells.	1	1 request	1
1629(b)(3)	Request approval of firefighting systems; post firefighting system diagram.	4	1 request	4
1600 thru 1634	General departure and alternative compliance requests not specifically covered elsewhere in subpart P.	2	1 request	2

Citation 30 CFR 250	Reporting and recordkeeping requirement	Hour burden	Average No. of annual responses	Annual burden hours
Subtotal .....	.....	.....	11	29
Record/Retain				
1604(f)	Check traveling-block safety device for proper operation weekly and after each drill-line slipping; enter results in log.	1/4	1 lessee \times 52 wks \times 2 rigs = 104.	26
1605(c)	Report oceanographic, meteorological, and drilling unit performance data upon request*.	1	1 report	1
1609(a)	Pressure test casing; record time, conditions of testing, and test results in log.	2	1 lease \times 60 tests/records = 60.	120
1611(d)(3); 1625(d)(3) ...	Record in driller's report the date, time, and reason for postponing pressure testings.	10 minutes	1 lessee \times 6 recordings = 6.	1
1611(f), (g); 1625(f), (g)	Conduct tests, actuations, inspections, maintenance, and crew drills of BOP systems at least weekly; record results in driller's report; retain records for 2 years following completion of drilling activity.	6	1 lessee \times 52 weeks = 52.	312
1613(e)	Pressure test diverter sealing element/valves weekly; actuate diverter sealing element/valves/control system every 24 hours; test diverter line for flow every 24 hours; record test times and results in driller's report.	2	1 lessee on occasion (daily/weekly during drilling) \times 2 rigs \times 52 weeks = 104.	208
1616(c)	Retain training records for lessee and drilling contractor personnel.	Burden covered under subpart O, 1010–0128		0
1619(a)	Retain records for each well and all well operations for 2 years.	12	1 lessee	12
1621	Conduct safety meetings prior to well-completion or well-workover operations; record date and time.	1	1 lessee \times 50 meetings/records = 50.	50
1628(b), (d)	Maintain information on approved design and installation features for the life of the facility.	1	1 lessee	1
1629(b)(1)(ii), (iv)	Retain pressure-recording charts used to determine operating pressure ranges for 2 years.	12	1 lessee	12
1630(b)	Maintain records for each safety device installed for 2 years.	1	1 lessee	1
1631	Conduct safety device training prior to production operations and periodically thereafter; record date and time.	1	1 lessee \times 52 train/records \times 2 rigs = 104.	104
1634(b)	Report evidence of mishandling of produced sulphur or tampering or falsifying any measurement of production.	1	1 report	1
Subtotal .....	.....	.....	486	849
Total Burden .....	.....	.....	512	903

* We included a minimal burden, but it has not been necessary to request these data and/or no submissions received for many years.

Estimated Annual Reporting and Recordkeeping "Non-Hour Cost"
Burden: We have identified no "non-hour cost" burdens.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency " * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * * ". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of

information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on January 29, 2006, we published a **Federal Register** notice (72 FR 4027) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, 250.199 displays the OMB control numbers for the information collection requirements imposed by the 30 CFR Part 250 regulations and forms. The regulation also informs the public

that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by November 13, 2007.

Public Comment Policy: Before including your address, phone number,

e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208-7744.

Dated: June 1, 2007.

William S. Hauser,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. E7-19992 Filed 10-10-07; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010-0106).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we are submitting to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR 253, Oil Spill Financial Responsibility for Offshore Facilities, and related documents. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by November 13, 2007.

ADDRESSES: You may submit comments either by fax (202) 395-6566 or e-mail *OIRA_DOCKET@omb.eop.gov* directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010-0106). Mail or hand carry a copy of your comments to the Department of the Interior; Minerals Management Service; Attention: Cheryl Blundon; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817. If you wish to e-mail your comments to MMS, the address is: *rules.comments@mms.gov*. Reference Information Collection 1010-0106 in your subject line and mark your

message for return receipt. Include your name and return address in your message text.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787-1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations and forms that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities.

Forms: MMS-1016, MMS-1017, MMS-1018, MMS-1019, MMS-1020, MMS-1021, MMS-1022.

OMB Control Number: 1010-0106.

Abstract: Title I of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), as amended by the Coast Guard Authorization Act of 1996 (Pub. L. 104-324), provides at section 1016 that oil spill financial responsibility (OSFR) for offshore facilities be established and maintained according to methods determined acceptable to the President. Section 1016 of OPA supersedes the offshore facility OSFR provisions of the Outer Continental Shelf Lands Act Amendments of 1978. These authorities and responsibilities are among those delegated to MMS under which we issue regulations governing oil and gas and sulphur operations in the OCS. The information collection discussed in this notice that we are submitting to OMB addresses the regulations at 30 CFR Part 253, Oil Spill Financial Responsibility for Offshore Facilities, forms MMS-1016 through MMS-1022, and any associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

The MMS uses the information collected under 30 CFR part 253 to verify compliance with section 1016 of OPA. The information is necessary to confirm that applicants can pay for cleanup and damages from oil-spill discharges from covered offshore facilities (COFs). Routinely, the information will be used: (a) To establish eligibility of applicants for an OSFR Certification; and (b) as a reference source for cleanup and damage claims associated with oil-spill discharges from COFs; the names, addresses, and telephone numbers of owners, operators, and guarantors; designated U.S. agents for service of process; and persons to contact. To collect most of the information, MMS developed standard forms. The forms and their purposes are:

Cover Sheet: The forms will be distributed in a package that includes a

cover sheet that displays the required OMB Control Number, Expiration Date, and Paperwork Reduction Act (PRA) statement. This cover sheet will accompany the forms as part of a package or will be included with any copies of a particular form that respondents may request.

Form MMS-1016, Designated Applicant Information Certification:

The designated applicant uses this form to provide identifying information (company legal name, MMS company number and region, address, contact name and title, telephone and fax numbers) and to summarize the OSFR evidence. This form is required for each new or renewed OSFR certification application.

Form MMS-1017, Designation of Applicant: When there is more than one responsible party for a COF, they must select a designated applicant. Each responsible party, as defined in the regulations, must use this form to notify MMS of the designated applicant. This form is also used to designate the U.S. agent for service of process for the responsible party(ies) should claims from an oil-spill discharge exceed the amount evidenced by the designated applicant; identifies and provides pertinent information about the responsible party(ies); and lists the COFs for which the responsible party is liable for OSFR certification. The form identifies each COF by State or OCS region; lease, permit, right of use and easement or pipeline number; aliquot section; area name; and block number. This form must be submitted with each new OSFR application or with an assignment involving a COF in which there is at least one responsible party who is not the designated applicant for a COF.

Form MMS-1018, Self-Insurance or Indemnity Information: This form is used if the designated applicant is self-insuring or using an indemnity for OSFR evidence. As appropriate, either the designated applicant or the designated applicant's indemnitor completes the form to indicate the amount of OSFR coverage as well as effective and expiration dates. The form also provides pertinent information about the self-insurer or indemnitor and is used to designate a U.S. agent for service of process for claims up to the evidenced amount. This form must be submitted each time new evidence of OSFR is submitted using either self-insurance or an indemnification.

Form MMS-1019, Insurance Certificate:

The designated applicant (representing himself as a direct purchaser of insurance) or his insurance agent or broker and the named insurers

complete this form to provide OSFR evidence using insurance. The number of forms to be submitted will depend upon the number of layers of insurance to evidence the total amount of OSFR required. One form is required for each layer of insurance. The form provides pertinent information about the insurer(s) and designates a U.S. agent for service of process. This form must be submitted at the beginning of the term of the insurance coverage for the designated applicant's COFs or at the time COFs are added, with the scheduled option selected, to OSFR coverage.

Form MMS-1020, Surety Bond: Each bonding company that issues a surety bond for the designated applicant must complete this form indicating the amount of surety and effective dates. The form provides pertinent information about the bonding company and designates a U.S. agent for service of process for the amount evidenced by the surety bond. This form must be submitted at the beginning of the term of the surety bond for the named designated applicant.

Form MMS-1021, Covered Offshore Facilities: The designated applicant

submits this form to identify the COFs for which the OSFR evidence applies. The form identifies each COF by State or OCS region; lease, permit, right of use and easement or pipeline number; aliquot section; area name; block number; and potential worst case oil-spill discharge. This form is required to be submitted with each new or renewed OSFR certification application that includes COFs.

Form MMS-1022, Covered Offshore Facility Changes: During the term of the issued OSFR certification, the designated applicant may submit changes to the current COF listings, including additions, deletions, or changes to the worst case oil-spill discharge for a COF. This form must be submitted when identified changes occur during the term of an OSFR Certification.

Responses are mandatory. No questions of a "sensitive" nature are asked. Respondents are not required to submit confidential or proprietary information. All public requests for information about an applicant's OSFR Certification will be processed according to the Freedom of Information Act (5 U.S.C. 552) procedures.

Frequency: The frequency of submission will vary, but most will respond at least once per year.

Estimated Number and Description of Respondents: We estimate there are approximately 600 respondents. Some will be holders of leases, permits, and rights of use and easement in the OCS and in State coastal waters who will appoint approximately 200 designated applicants. Other respondents will be the designated applicants' insurance agents and brokers, bonding companies, and indemnitors. Some respondents may also be claimants.

Estimated Reporting and Recordkeeping "Hour" Burden: The estimated annual "hour" burden for this information collection is a total of 21,319 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR	Reporting requirement	Hour burden	Average No. of annual responses	Annual burden hours
253				
Various sections. ...	The burdens for all general references to submitting evidence of OSFR are covered under the forms below.			0
Applicability and Amount of OSFR				
11(a)(1); 40; 41	Form MMS-1016—Designated Applicant Information Certification.	1	200	200
11(a)(1); 40; 41	Form MMS-1017—Designation of Applicant.	9	600	5,400
12	Request for determination of OSFR applicability.	2	5	10
15	Notify MMS of change in ability to comply.	1	1	1
15(f)	Provide claimant written explanation of denial.	1	15	15
Subtotal			821	5,626
Methods for Demonstrating OSFR				
21; 22; 23;	Form MMS-1018—Self-Insurance or Indemnity Information.	1	75	75
24; 26; 27; 30; 40; 41; 43.				
29; 40; 41; 43	Form MMS-1019—Insurance Certificate.	120	120	14,400
31; 40; 41; 43	Form MMS-1020—Surety Bond.	24	4	96
32	Proposal for alternative method to evidence OSFR (anticipate no proposals, but the regs provide the opportunity)..	120	1	120
Subtotal			200	14,691
Requirements for Submitting OSFR Information				
40; 41	Form MMS-1021—Covered Offshore Facilities.	3	200	600
40; 41; 42	Form MMS-1022—Covered Offshore Facility Changes.	1	400	400
Subtotal			600	1,000
Claims for Oil-Spill Removal Costs and Damages				
Subpart F	Claims: MMS will not be involved in the claims process. Assessment of burden for claims against the Oil Spill Liability Trust Fund (30 CFR parts 135, 136, 137) should be responsibility of the U.S. Coast Guard.			0
60(d)	Claimant request to determine whether a guarantor may be liable for a claim.	2	1	2
Subtotal			1	2
Total Burden.			1,622	21,319

Estimated Reporting and Recordkeeping "Non-Hour Cost"

Burden: We have identified no paperwork "non-hour cost" burdens associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency " * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *"

Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on January 23, 2007, we published a **Federal Register** notice (72 FR 2903) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 253.5 and the PRA statement on the cover sheet for the OSFR forms explain that MMS will accept comments at any time on the information collection requirements and burdens of our 30 CFR 253 regulations and associated forms. Section 253.5 and the OSFR forms cover sheet also provide the OMB control number and the address to which to send comments. We received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by November 13, 2007.

Public Availability of Comments: Before including your address, phone number, e-mail address, or other

personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208-7744.

Dated: May 31, 2007.

William S. Hauser,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. E7-19993 Filed 10-10-07; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

[OMB Number 1121-0292]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: Existing collection, Survey of Sexual Violence (SSV).

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until December 10, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Paige Harrison, Bureau of Justice Statistics, 810 Seventh Street, NW., Washington, DC 20531 (phone: 202-514-0809).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Existing data collection.

(2) *Title of the Form/Collection:* Survey of Sexual Violence.

(3) *Agency Form Number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: SSV1, SSV2, SSV3, SSV4, SSV5, SSV6, SSVIA, SSVIJ; Bureau of Justice Statistics, Department of Justice.

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: Federal Government, Business or other for-profit, Not-for-profit institutions. The data will be used to develop estimates for the incidence and prevalence of sexual assault within correctional facilities, as well as characteristics of substantiated incidents, as required under the Prison Rape Elimination Act of 2003 (Public Law 108-79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 912 respondents will complete each summary form within 60 minutes and each substantiated incident form (as needed, we estimate about 950 forms will be completed) in 15 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,150 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 4, 2007.

Lynn Bryant,

Department Clearance Officer, PRA,
Department of Justice.

[FR Doc. E7-20053 Filed 10-10-07; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF JUSTICE

[OMB Number 1123-NEW]

Criminal Division; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Request for Registration Under the Gambling Devices Act of 1962.

The Department of Justice (DOJ), Criminal Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 72, Number 145, page 41527 on July 30, 2007, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 13, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Existing collection in use without an OMB control number.

(2) *Title of the Form/Collection:* Request for Registration under the Gambling Devices Act of 1962. Form will be available in paper and web-based format.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: None. Sponsoring component: Department of Justice, Criminal Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Not-for-profit institutions, individuals or households, and State, Local or Tribal Government. The form can be used by any entity required to register under the Gambling Devices Act of 1962 (15 U.S.C. 1171-1178).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 2,400 respondents will complete each form within approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 200 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 4, 2007.

Lynn Bryant,

Department Clearance Officer, PRA,
Department of Justice.

[FR Doc. E7-20086 Filed 10-10-07; 8:45 am]

BILLING CODE 4410-14-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110-0042]

Agency Information Collection Activities: Proposed New Collection, Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: CJIS Customer Satisfaction Surveys.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with review procedures of the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 72, Number 148, page 42429, on August 2, 2007, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 13, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic,

mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of previously approved collection.

(2) *Title of the Form/Collection:* CJIS Customer Satisfaction Surveys.

(3) *Agency Form Number, if any, and the applicable component of the department sponsoring the collection:* Form Number: 1-760, 1-761, 1-762, 1-763, 1-764, 1-765, 1-766 and 1-770. Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract:* Primary: State, local or tribal governments. Other: Federal Government and business or other for-profit.

Brief Abstract: The FBI established the CJIS Division to serve as the focal point and central repository for criminal justice information services within the FBI. The CJIS Division is responsible for the following programs administered by the FBI for the benefit of local, state, federal, and foreign criminal justice agencies: Integrated Automated Identification System; Law Enforcement Online; National Crime Information Center; National Instant Criminal Background Check System—Federal Firearm Licensees; National Instant Criminal Background Check System—Point of Contact and Partial Point of Contact States; Uniform Crime Reporting; Interstate Identification Index; and the CJIS Division Intelligence Group.

CJIS will be conducting a customer service survey for each of the eight aforementioned programs. These surveys will be used to establish approval rating baselines of CJIS Division services in addition to identifying areas where our services can be improved or new services established to assist the criminal justice community with the performance of their official duties.

(5) *An estimate of the total number of respondents and the amount of time estimated for and average respondent to respond:*

Integrated Automated Fingerprint Identification System — Respondents = 400, Average Completion Time = 4 minutes; Law Enforcement Online — Respondents = 400, Average Completion Time = 2 minutes; National Crime Information Center — Respondents = 400, Average Completion Time = 3

minutes; National Instant Criminal Background Check System—Federal Firearm Licensees — Respondents = 400, Average Completion Time = 2 minutes; National Instant Criminal Background Check System—Point of Contact and Partial Point of Contact — Respondents = 21, Average Completion Time = 3 minutes; Uniform Crime Reporting — Respondents = 400, Average Completion Time = 3 minutes; Interstate Identification Index — Respondents = 400, Average Completion Time = 3 minutes; CJIS Division Intelligence Group — Respondents = 400, Average Completion Time = 3 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

There are an estimated 134 total public burden hours associated with this collection.

If additional information is required contact: Ms. Lynn Bryant, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 4, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E7-20043 Filed 10-10-07; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121-NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: 2007 Census of Law Enforcement Aviation Units.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics (BJS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 72, Number 148, pages 42429-42430 on August 2, 2007, allowing for a 60-day comment period. The purpose of this notice is to allow for

an additional 30 days for public comment until November 13, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Steven Smith, Bureau of Justice Statistics, 810 Seventh St., NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Proposed collection.

(2) *Title of the Form/Collection:* 2007 Census of Law Enforcement Aviation Units.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Not applicable.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal, State, and Local Government. This information collection is a census of State and local law enforcement agency aviation units. The census will provide detailed statistics on the operations, personnel, expenditures, equipment, and other information about these important units.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 250

respondents will complete a one-hour questionnaire.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 250 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 4, 2007.

Lynn Bryant,

*Department Clearance Officer, PRA,
Department of Justice.*

[FR Doc. E7-20089 Filed 10-10-07; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OMB Number 1121-0291]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: National Juvenile Probation Census Project.

The Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until December 10, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Janet Chiancone, (202) 353-9258, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, NW., Washington, DC 20531.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are

encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New.

(2) *Title of the Form/Collection:* National Juvenile Probation Census Project which consists of two forms: Census of Juvenile Probation Supervision Offices (CJPSO) and Census of Juveniles on Probation (CJP).

(3) *Agency Form Number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Numbers:* CJ-16 (CJPSO) and CJ-17 (CJP). Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local or Tribal Governments. *Other:* N/A. This project consists of two forms that will be sent to juvenile geographic probation supervision areas (GPSAs), on alternate years. The CJPSO will collect information regarding the activities of juvenile probation offices nationwide; the CJP will collect information regarding the number and characteristics of juveniles on probation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are 2 collections associated with this project: The Census of Juvenile Probation Supervision Offices (CJPSO) and the Census of Juveniles on Probation (CJP). The CJPSO response burden is estimated at 1 hour per response. The universe for the CJPSO is all Juvenile Probation Supervision Offices in the U S (1,715

offices). The response burden for the CJP is estimated at 4 hours per response. The sample for the CJP is 500 Juvenile Probation Supervision Offices.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The public burden hours for the CJPSO are 1,715 hours (1,715 Juvenile Probation Supervision Offices × 1 hour each). The public burden for the CJP is 2,500 hours (500 Juvenile Probation Supervision Offices × 5 hours each). The total public burden hours associated with the CJPSO and the CJP are: 4,215 hours (1,715 hours + 2,500 hours).

If additional information is required contact: Lynn Bryant, Department Deputy Clearance Officer, Information Management and Security Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 4, 2007.

Lynn Bryant,

*Department Clearance Officer, PRA,
Department of Justice.*

[FR Doc. E7-20054 Filed 10-10-07; 8:45 am]

BILLING CODE 4410-18-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that six meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 as follows (ending times are approximate):

Visual Arts (application review): November 6-8, 2007 in Room 716. This meeting, from 9 a.m. to 5:30 p.m. on November 6th and 7th and from 9 a.m. to 2:30 p.m. on November 8th, will be closed.

Theater (application review): November 6-9, 2007 in Room 730. This meeting, from 9 a.m. to 5:30 p.m. on November 6th, from 9 a.m. to 6 p.m. on November 7th and 8th, and from 9 a.m. to 4 p.m. on November 9th, will be closed.

Music (application review): November 7-9, 2007 in Room 714. This meeting, from 9 a.m. to 5:30 p.m. on November 7th and 8th, and from 9 a.m. to 4 p.m. on November 9th, will be closed.

Musical Theater (application review): November 14, 2007 in Room 730. A portion of this meeting, from 4:15 p.m.

to 5 p.m., will be open to the public for a policy discussion. The remainder of the meeting, from 9 a.m. to 4:15 p.m. and 5 p.m. to 6 p.m., will be closed.

Media Arts (application review): November 14–15, 2007 in Room 716. This meeting, from 9 a.m. to 5:30 p.m. on November 14th and from 9 a.m. to 3:30 p.m. on November 15th, will be closed.

Music (application review): November 14–16, 2007 in Room 714. This meeting, from 9 a.m. to 5:30 p.m. on November 14th and 15th, and from 9 a.m. to 4 p.m. on November 16th, will be closed.

The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 21, 2007, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: October 4, 2007.

Kathy Plowitz-Worden,

*Panel Coordinator, Panel Operations,
National Endowment for the Arts.*

[FR Doc. E7–19958 Filed 10–10–07; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts; National Council on the Arts 162nd Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on November 2, 2007 in Room 527 at the

Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting, from 9 a.m. to 12 p.m. (ending time is approximate), will be open to the public on a space available basis. Opening remarks and announcements will include a film clip from *Why Shakespeare?* and the swearing in of a new Council member. After the swearing in, there will be an update from the Government Affairs office. The meeting will include a presentation on *Shakespeare in American Communities*, including a performance excerpt from *Romeo and Juliet* as well as speakers from The Acting Company and the Utah Shakespearean Festival. This will be followed by a presentation on the NEA *National Heritage Fellowships* 25th anniversary, including highlights from the 2007 awards ceremony and concert and an illustrated talk by a documentary filmmaker highlighting several NEA *National Heritage Fellowship* recipients. After the presentations the Council will review and vote on applications and guidelines, and the meeting will conclude with a general discussion.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b. Additionally, discussion concerning purely personal information about individuals, submitted with grant applications, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY–TDD 202/682–5429, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from the Office of Communications, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

Dated: October 4, 2007.

Kathy Plowitz-Worden,

*Panel Coordinator, Office of Guidelines and
Panel Operations.*

[FR Doc. E7–19965 Filed 10–10–07; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Mathematical and Physical Sciences Advisory Committee (#66).

Date/Time: November 7, 2007 1:30 p.m.–4 p.m.; November 8, 2007 8 a.m.–6 p.m.; November 9, 2007 8 a.m.–3 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, November 7–8, Room 375, November 9, Room 1235.

Type of Meeting: Open.

Contact Person: Dr. Morris L. Aizenman, Senior Science Associate, Directorate for Mathematical and Physical Sciences, Room 1005, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8807.

Purpose of Meeting: To provide advice and recommendations concerning NSF science and education activities within the Directorate for Mathematical and Physical Sciences.

Agenda: Briefing to new members about NSF and Directorate.

Update on current status of Directorate.

Meeting of MPSAC with Divisions within MPS Directorate.

Reports of the NSF Working Group on Broadening Participation and the NSF Working Group on the Impact of Proposal and Award Management Mechanisms.

Discussion of MPS Long-term Planning Activities.

Summary Minutes: May be obtained from the contact person listed above.

Dated: October 5, 2007.

Susanne E. Bolton,

Committee Management Officer.

[FR Doc. E7–20038 Filed 10–10–07; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting Notice and Agenda

TIME AND DATE: 9:30 a.m., Tuesday, October 16, 2007.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

STATUS: These three items are open to the public.

MATTERS TO BE CONSIDERED:

- 7937 Railroad Accident Report—Derailment of Washington Metropolitan Area Transit Authority Train near the Mt. Vernon Square Station, Washington, DC, January 7, 2007 (DCA-07-FR-005).
- 7928 Brief of Accident—Brief and Safety Recommendations to the Federal Aviation Administration and the U.S. Customs and Border Protection Concerning Deficiencies in the Design, Operation, and Safety Management of Unmanned Aircraft Systems.
- 7928A Recommendation To Convene a Public Forum—The Safety of Unmanned Aircraft System Operations and Investigative Methodologies for Unmanned Aircraft Accidents and Incidents.

NEWS MEDIA CONTACT: Telephone: (202) 314-6100.

Individuals requesting specific accommodations should contact Chris Bisett at (202) 314-6305 by Friday, October 12, 2007.

The public may view the meeting via a live or archived webcast by accessing a link under “News & Events” on the NTSB home page at <http://www.nts.gov>.

FOR MORE INFORMATION CONTACT: Vicky D’Onofrio, (202) 314-6410.

Dated: Friday, October 5, 2007.

Vicky D’Onofrio,

Federal Register Liaison Officer.

[FR Doc. 07-5018 Filed 10-9-07; 9:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-05154]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 24-13365-01, for Unrestricted Release of the ABC Laboratories Facilities in Columbia, MO

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT:

William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois

60532; telephone: (630) 829-9871; fax number: (630) 515-1259; or by e-mail at wgs@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 24-13365-01. This license is held by ABC Laboratories (the Licensee), for facilities, located at 7200 E. ABC Lane, Columbia, Missouri. Issuance of the amendment would authorize release of Buildings C and G for unrestricted use. The Licensee requested this action in a letter dated June 5, 2007 (ADAMS Accession No. ML071630523). The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the Licensee’s June 5, 2007 license amendment request, resulting in release of Buildings C and G for unrestricted use. License No. 24-13365-01 was issued on August 5, 1969, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use byproduct materials for activities involving research and development, possession, use, processing, and packaging incident to manufacture of radiochemicals, storage prior to distribution, and interim storage of radioactive waste prior to disposal.

Buildings C and G are situated on a 56 acre site and are 2 of 13 buildings. Building C was constructed in 1976 as a wood frame building on a concrete slab which was later converted to a metal sided building, and was used for animal studies mainly using carbon-14 or tritium tagged materials. Building G was constructed in 1980 as a wood frame building with steel roof on a concrete slab and was used to store primarily carbon-14 and tritium radioactive waste prior to disposal. The site is located in a mixed residential, agricultural and commercial area.

The licensee ceased using licensed materials in Building C in March 2006 and Building G in July 2006 and

initiated surveys and decontamination of the buildings. Based on the Licensee’s historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of Building C in June 2006 and Building G in September 2006 and provided information to the NRC to demonstrate that they meet the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities in Buildings C and G, and seeks the unrestricted use of Buildings C and G.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted in Buildings C and G shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of Buildings C and G affected by these radionuclides.

The Licensee completed final status surveys on Building C on June 6, 2006, and on Building G on September 22, 2006. These surveys covered all areas of Building C and Building G. The final status survey report was attached to the Licensee’s amendment request dated June 5, 2007. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 using the screening approach described in NUREG-1757, “Consolidated NMSS Decommissioning Guidance,” Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The NRC conducted independent radiological surveys of the Buildings C and G and identified no radiological contamination in Building C in excess

of background. (NRC Inspection Report 030-05154/07-001 (DNMS) dated April 19, 2007, ADAMS Accession No. ML071090194.) However, the NRC identified levels of radiological contamination in excess of the NRC's unrestricted use criteria on the floor of Building G. The licensee performed additional decontamination and re-surveyed of the floor of Building G in April 2007. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496) Volumes 1-3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material in Buildings C and G. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding Buildings C and G. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of Buildings C and G for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR Part 20. Based on its review, the staff considered the impact of the residual radioactivity from Buildings C and G and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be

completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that Buildings C and G meet the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the Missouri Department of Health and Senior Services (DHSS) for review on September 7, 2007. On September 7, 2007, Mr. John Langston, Manager, Health Services Regulation, Division of Regulation and Licensure, with the Missouri DHSS responded by e-mail. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license

amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. G. S. Ward, ABC Laboratories, letter to U.S. Nuclear Regulatory Commission, Region III, ATTN: Kevin Null, dated June 05, 2007 (ADAMS Accession No. ML071630523);

2. S. C. Hecht, ABC Laboratories, letter to U.S. Nuclear Regulatory Commission, Region III, ATTN: Bill Snell, dated August 20, 2007 (ADAMS Accession No. ML072360539);

3. NRC Inspection Report No. 030-05154/07-001 (DNMS) dated April 19, 2007 (ADAMS Accession No. ML071090194);

4. Title 10 Code of Federal Regulations, Part 20, Subpart E, "Radiological Criteria for License Termination;"

5. Title 10 Code of Federal Regulations, Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"

6. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;"

7. NUREG-1757, "Consolidated NMSS Decommissioning Guidance."

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 27th day of September 2007.

For the Nuclear Regulatory Commission,
Patrick Loudon,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E7-20078 Filed 10-10-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-04794]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment To Byproduct Materials License No. 21-01443-06, for Unrestricted Release of the Parke-Davis Warner-Lambert Facility in Plymouth, MI**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.**FOR FURTHER INFORMATION CONTACT:**

William Snell, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829-9871; fax number: (630) 515-1259; or by e-mail at wgs@nrc.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 21-01443-06. This license is held by Warner-Lambert, LLC (the Licensee), which is a wholly owned subsidiary of Pfizer, Inc., for its Parke-Davis Plymouth Township facility (the Facility) located at 46701 Commerce Center Drive in Plymouth, Michigan. Issuance of the amendment would authorize release of the Facility for unrestricted use. The Licensee requested this action in a letter dated June 14, 2007 (ADAMS Accession No. ML071700495). The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10 Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment*Identification of Proposed Action*

The proposed action would approve the Licensee's June 14, 2007, license amendment request, resulting in release of the Facility for unrestricted use. License No. 21-01443-06 was issued on

April 20, 1959, pursuant to 10 CFR Part 30, and has been amended periodically since that time. Warner-Lambert was first licensed to use byproduct materials at its Parke-Davis facility on August 9, 1999. This license authorized the Licensee to use byproduct materials for purposes of conducting research and development.

The Facility is approximately a 60,000 ft², one-story steel frame building with concrete, glass and metal exterior walls; and consists of office space and laboratories. The Facility is located in a mixed residential/commercial area. Within the Facility, use of licensed materials was primarily confined to laboratories 1311, 1325, 1402, 1406 and 1442. On May 11, 2007, the Licensee ceased licensed activities and initiated a survey and decontamination of the Facility on May 14, 2007. On May 23, 2007, the Licensee completed removal of licensed radioactive material from the Facility. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release.

Need for the Proposed Action

The licensee has ceased conducting licensed activities at the Facility, and it seeks the unrestricted use of its Facility.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: Hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of the Facility affected by these radionuclides.

The Licensee conducted a final status survey on May 24, 2007. This survey covered 21,600 square feet of surface area considered to have a low potential for delivering a dose above the release criteria, and included the drain system, ventilation exhaust system, and vacuum system. No areas were considered to have a potential for delivering a dose above the release criteria. The final status survey report was attached to the Licensee's amendment request dated June 14, 2007. The Licensee elected to

demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG-1757, "Consolidated NMSS Decommissioning Guidance," Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable.

Based on its review, the staff determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities" (NUREG-1496) Volumes 1-3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use is in compliance with 10 CFR 20.1402. The NRC has found no other activities in the area that could result in cumulative environmental impacts. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small.

Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d) requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the Michigan Department of Environmental Quality (DEQ) for review on August 23, 2007. On August 24, 2007, Mr. Bob Skowronek, Chief, Radioactive Material and Medical Waste Unit, with the Michigan DEQ, responded by email. The State agreed with the conclusions of the EA, and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined

that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. Carol Lentz, Pfizer, Inc., letter to Patricia Pelke, U.S. Nuclear Regulatory Commission, June 14, 2007 (ADAMS Accession No. ML071700495);

2. Title 10 Code of Federal Regulations, part 20, subpart E, "Radiological Criteria for License Termination;"

3. Title 10 Code of Federal Regulations, part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;"

4. NUREG-1496, "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;"

5. NUREG-1757, "Consolidated NMSS Decommissioning Guidance."

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 27th day of September 2007.

For the Nuclear Regulatory Commission.

Patrick Loudon,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E7-20050 Filed 10-10-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Notice of Opportunity To Comment on Model Safety Evaluation, Model No Significant Hazards Determination, and Model Application for Licensees That Wish To Adopt TSTF-478, Revision 2, "BWR Technical Specification Changes That Implement the Revised Rule for Combustible Gas Control"

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC) has prepared a model safety evaluation (SE) and a model application related to the modification of containment combustible gas control requirements in technical specifications (TS) for Boiling Water Reactors (BWR). The NRC staff has also prepared a model no-significant-hazards-consideration (NSHC) determination related to this matter. The purpose of these models is to permit the NRC to efficiently process license amendment applications that propose to adopt TSTF-478, Revision 2, "BWR Technical Specification Changes That Implement the Revised Rule for Combustible Gas Control." TSTF-478, Revision 2, deletes Standard Technical Specification (STS) 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and modifies STS 3.6.3.1, "Drywell Cooling System Fans," in NUREG-1433, "Standard Technical Specifications General Electric Plants, BWR/4, Rev. 3," to establish TS for containment combustible gas control requirements as permitted by revised 10 CFR 50.44. Licensees of nuclear power reactors to which the models apply could then request amendments, confirming the applicability of the SE and NSHC determination to their plants. The NRC staff is requesting comment on the model SE, model application, and model NSHC determination prior to announcing their availability for referencing in license amendment applications.

DATES: The comment period expires November 13, 2007. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only of comments received on or before this date.

ADDRESSES: Comments may be submitted either electronically or via U.S. mail. Submit written comments to Chief, Rulemaking, Directives and Editing Branch, Division of

Administrative Services, Office of Administration, Mail Stop: T-6 D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Hand deliver comments to: 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Copies of comments received may be examined at the NRC's Public Document Room, 11555 Rockville Pike (Room O-1F21), Rockville, Maryland. Comments may be submitted by electronic mail to NRCREP@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Tim Kobetz, Mail Stop: O-12H2, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-1932.

SUPPLEMENTARY INFORMATION:

Background

Regulatory Issue Summary 2000-06, "Consolidated Line Item Improvement Process for Adopting Standard Technical Specification Changes for Power Reactors," was issued on March 20, 2000. The consolidated line item improvement process (CLIIP) is intended to improve the efficiency of NRC licensing processes by processing proposed changes to the standard technical specifications (STS) in a manner that supports subsequent license amendment applications. The CLIIP includes an opportunity for the public to comment on a proposed change to the STS after a preliminary assessment by the NRC staff and a finding that the change will likely be offered for adoption by licensees. This notice solicits comment on a proposal to delete STS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and modify STS 3.6.3.1, "Drywell Cooling System Fans," in NUREG-1433 to establish TS for containment combustible gas control requirements in accordance with 10 CFR 50.44. The CLIIP directs the NRC staff to evaluate any comments received for a proposed change to NUREG-1433 and to either reconsider the change or announce the availability of the change for adoption by licensees.

This notice contains changes proposed for incorporation into the standard technical specifications by owners group participants in the Technical Specification Task Force (TSTF) and is designated TSTF-478. TSTF-478, Revision 2 can be viewed on the NRC's Web page utilizing the Agencywide Documents Access and Management System (ADAMS). The ADAMS accession number for TSTF-478, Revision 2, is ML071920140.

TSTF-478, Revision 0, was originally submitted to the NRC on April 25, 2005 (ADAMS Accession No. ML051170308). The NRC staff issued a Request for Additional Information (RAI) letter on November 9, 2006 (ADAMS Accession No. ML062770089) and the TSTF provided an RAI Response letter dated February 7, 2007 (ADAMS Accession No. ML070380175). TSTF-478, Revision 1, was submitted to the NRC on February 21, 2007 (ADAMS Accession No. ML070530490). The NRC made a final determination, and denied TSTF-478, Revision 1, on May 8, 2007 (ADAMS Accession No. ML071090368). TSTF-478, Revision 2, removes the parts of TSTF-478, Revision 1, that were considered unacceptable to NRC staff.

It should be noted that TSTF-478, Revision 2, also proposes to revise the Bases for STS 3.6.3.2, "Drywell Purge System" in NUREG-1434, "Standard Technical Specifications General Electric Plants, BWR/6, Rev. 3," by eliminating references to Design Basis Accidents while adding references to Accidents. This change was also listed in TSTF-478, Revision 1, and the NRC staff found this modification to be acceptable (ADAMS Accession No. ML071090368). Licensees that wish to revise the Bases of TS 3.6.3.2, "Drywell Purge System," may do so, without a plant-specific license amendment request, provided the requirements of 10 CFR 50.59 are met. As a result, modifications to the Bases are not included in the model safety evaluation or model application.

Applicability

Licensees opting to apply for this TS change are responsible for reviewing the staff's evaluation, referencing the applicable technical justifications, and providing any necessary plant-specific information. To efficiently process the incoming license amendment applications, the NRC staff requests that each licensee applying for the changes addressed by TSTF-478, Revision 2, using the CLIIP, submit a license amendment request that adheres to the attached model application. Variations from the model application in this notice may require additional review by NRC staff, and may increase the time and resources needed for review. Significant variations from the model application, or inclusion of additional changes to the license, may result in staff rejection of the submittal. Each amendment application made in response to the notice of availability will be processed and noticed in accordance with applicable rules and NRC procedures.

Public Notices

This notice requests comments from interested members of the public within 30 days of the date of publication in the **Federal Register**. After evaluating the comments received as a result of this notice, the staff will either reconsider the proposed change or announce the availability of the change in a subsequent notice (perhaps with some changes to the safety evaluation or the proposed no significant hazards consideration determination as a result of public comments). If the staff announces the availability of the change, licensees wishing to adopt the change must submit an application in accordance with applicable rules and other regulatory requirements. For each application the staff will publish a notice of consideration of issuance of amendment to facility operating licenses, a proposed no significant hazards consideration determination, and a notice of opportunity for a hearing. The staff will also publish a notice of issuance of an amendment to an operating license to announce the deletion of TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and the modification of TS 3.6.3.1, "Drywell Cooling System Fans," for each plant that receives the requested change.

Dated at Rockville, Maryland, this 3rd of October 2007.

For the Nuclear Regulatory Commission.

Timothy Kobetz,

Branch Chief, Technical Specifications Branch, Division of Inspections and Regional Support, Office of Nuclear Reactor Regulation.

Proposed Model Application for License Amendments Adopting TSTF-478, REV. 2, "BWR Technical Specification Changes That Implement the Revised Rule for Combustible Gas Control"

U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, DC 20555.

SUBJECT: [Plant Name] _____

DOCKET NO. 50-_____

LICENSE AMENDMENT REQUEST FOR ADOPTION OF TSTF-478, REV. 2, "BWR TECHNICAL SPECIFICATION CHANGES THAT IMPLEMENT THE REVISED RULE FOR COMBUSTIBLE GAS CONTROL"

In accordance with the provisions of Section 50.90 of Title 10 of the Code of Federal Regulations (10CFR), [LICENSEE] is submitting a request for an amendment to the technical specifications (TS) for [PLANT NAME, UNIT NO.].

The proposed amendment would delete TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and revise TS 3.6.3.1, "Drywell Cooling System Fans," and the associated Bases, to modify containment

combustible gas control requirements as permitted by 10 CFR 50.44. This change is consistent with NRC approved Revision 2 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-478, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control." [Discuss any differences with TSTF-478, Revision 2.] The availability of this TS improvement was announced in the **Federal Register** on [Date] ([] FR []) as part of the consolidated line item improvement process (CLIIP).

Attachment 1 provides an evaluation of the proposed change. Attachment 2 provides the existing TS pages marked up to show the proposed change. Attachment 3 provides the proposed TS changes in final typed format. Attachment 4 provides the existing Bases pages marked up to show the proposed change.

[LICENSEE] requests approval of the proposed license amendment by [DATE], with the amendment being implemented [BY DATE OR WITHIN X DAYS].

In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated [STATE] Official.

If you should have any questions regarding this submittal, please contact [].

I declare [or certify, verify, state] under penalty of perjury that the foregoing is true and correct.

[NAME, TITLE] _____

Attachments:

1. Evaluation of Proposed Change
2. Proposed Technical Specification Change (Mark-Up)
3. Proposed Technical Specification Change (Re-Typed)
4. Proposed Technical Specification Bases Change (Mark-Up)

cc: [NRR Project Manager]
[Regional Office]
[Resident Inspector]
[State Contact]

Attachment 1—Evaluation of Proposed Change

License Amendment Request for Adoption of TSTF-478, Rev. 2, "BWR Technical Specification Changes That Implement the Revised Rule for Combustible Gas Control"

- 1.0 Description
- 2.0 Proposed Change
- 3.0 Background
- 4.0 Technical Analysis
- 5.0 Regulatory Safety Analysis
- 5.1 No Significant Hazards Determination
- 5.2 Applicable Regulatory Requirements/Criteria
- 6.0 Environmental Consideration
- 7.0 References

1.0 DESCRIPTION

The proposed amendment would delete TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and revise TS 3.6.3.1, "Drywell Cooling

System Fans," and the associated Bases, that will result in modifications to containment combustible gas control TS requirements as permitted by 10 CFR 50.44. This change is consistent with NRC approved Revision 2 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-478, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control." The availability of this TS improvement was announced in the **Federal Register** on [Date] ([] FR []) as part of the consolidated line item improvement process (CLIIP).

2.0 PROPOSED CHANGE

Consistent with the NRC approved Revision 2 of TSTF-478, the proposed TS changes delete TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and revise TS 3.6.3.1, "Drywell Cooling System Fans." Proposed revisions to the TS Bases are also included in this application. Adoption of the TS Bases associated with TSTF-478, Revision 2 is an integral part of implementing this TS amendment. The changes to the affected TS Bases pages will be incorporated in accordance with the TS Bases Control Program.

This application is being made in accordance with the CLIIP. [LICENSEE] is [not] proposing variations or deviations from the TS changes described in TSTF-478, Revision 2, or the NRC staff's model safety evaluation (SE) published on [DATE] ([] FR []) as part of the CLIIP Notice of Availability. [Discuss any differences with TSTF-478, Revision 2.]

3.0 BACKGROUND

The background for this application is adequately addressed by the NRC Notice of Availability published on [DATE] ([] FR []).

4.0 TECHNICAL ANALYSIS

[LICENSEE] has reviewed the safety evaluation (SE) published on [DATE] ([] FR []) as part of the CLIIP Notice of Availability. [LICENSEE] has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to [PLANT, UNIT NO.] and therefore justify this amendment for the incorporation of the proposed changes to the [PLANT] TS.

5.0 REGULATORY SAFETY ANALYSIS

5.1 NO SIGNIFICANT HAZARDS DETERMINATION

[LICENSEE] has reviewed the no significant hazards determination published on [DATE] ([] FR []) as part of the CLIIP Notice of Availability. [LICENSEE] has concluded that the determination presented in the notice is applicable to [PLANT, UNIT NO.] and the determination is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

5.2 APPLICABLE REGULATORY REQUIREMENTS/CRITERIA

A description of the proposed TS change and its relationship to applicable regulatory requirements was provided in the NRC Notice of Availability published on [DATE] ([] FR []).

6.0 ENVIRONMENTAL CONSIDERATION

[LICENSEE] has reviewed the environmental evaluation included in the safety evaluation (SE) published on [DATE] ([] FR []) as part of the CLIIP Notice of Availability. [LICENSEE] has concluded that the staff's findings presented in that evaluation are applicable to [PLANT, NO.] and the evaluation is hereby incorporated by reference for this application.

7.0 REFERENCES

1. **Federal Register** Notice, Notice of Availability published on [DATE] ([] FR []).
2. TSTF-478 Revision 2, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control."
- Attachment 2—Proposed Technical Specification Change (Mark-Up)
- Attachment 3—Proposed Technical Specification Change (Re-Typed)
- Attachment 4—Proposed Technical Specification Bases Change (Mark-Up)

Model Safety Evaluation

U.S. Nuclear Regulatory Commission,
Office of Nuclear Reactor Regulation,
Consolidated Line Item Improvement.

Technical Specification Task Force Change TSTF-478, Revision 2, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control"

1.0 Introduction

By application dated [Date], [Name of Licensee] (the licensee) requested changes to the Technical Specifications (TS) for the [Name of Facility].

The proposed changes would:

1. Delete TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System."

2. Revise TS 3.6.3.1, "Drywell Cooling System Fans" to eliminate Required Action B.1. Required Action B.1 requires operators to verify by administrative means that a hydrogen control function is maintained in the primary containment when two required drywell cooling system fans are inoperable.

The licensee stated that the application is consistent with NRC approved Revision 2 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-478, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control." [Discuss any differences with TSTF-478, Revision 2.] The availability of this TS improvement was announced in the **Federal Register** on [Date] ([] FR []) as part of the consolidated line item improvement process (CLIP).

2.0 Regulatory Evaluation

General Design Criterion (GDC) 41, "Containment atmosphere cleanup," of Appendix A to 10 CFR Part 50 requires, in part, that systems to control fission products, hydrogen, oxygen, and other substances that may be released into the reactor containment shall be provided as necessary to reduce the concentration and quality of fission products and control the concentration of hydrogen, oxygen, and other substances in the containment atmosphere following postulated accidents to assure that containment integrity is maintained. Section 50.44, "Combustible Gas Control for Nuclear Power Reactors," of Title 10 of the Code of Federal Regulations (10 CFR) provides, among other things, standards for controlling combustible gas that may accumulate in the containment atmosphere during accidents.

Section 50.44 was revised on September 16, 2003 (68 FR 54123), as a result of studies that led to an improved understanding of combustible gas behavior during severe accidents. The studies confirmed that the hydrogen release postulated from a design-basis Loss of Coolant Accident (LOCA) was not risk significant because it was not large enough to lead to early containment failure, and that the risk associated with hydrogen combustion was from beyond design-basis (i.e., severe) accidents. As a result, requirements for maintaining hydrogen control equipment associated with a design-basis LOCA were eliminated from 10 CFR 50.44. Regulatory Guide (RG) 1.7, "Control of Combustible Gas

Concentrations in Containment Following a Loss-of-Coolant Accident," Revision 3, dated March 2007, provides detailed guidance that would be acceptable for implementing 10 CFR 50.44.

Section 182a of the Atomic Energy Act requires applicants for nuclear power plant operating licenses to include TS as part of the license application. The TS, among other things, help to ensure the operational capability of structures, systems, and components that are required to protect the health and safety of the public. The NRC's regulatory requirements related to the content of the TS are contained in Section 50.36 of Title 10 of the Code of Federal Regulations (10 CFR 50.36), which requires that the TS include items in the following categories: (1) Safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) Surveillance Requirements (SR); (4) design features; and (5) administrative controls. 10 CFR 50.36(c)(2)(i) states, in part, that "limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility. When a limiting condition for operation of a nuclear reactor is not met, the licensee shall shut down the reactor or follow any remedial action permitted by the technical specifications until the condition can be met." TSTF-478, Revision 2 contains changes to remedial actions permitted by the technical specifications.

2.1 Containment Atmosphere Dilution System

The design purpose of the CAD system is to maintain combustible gas concentrations within the primary containment at or below the flammability limits following a postulated LOCA by diluting hydrogen and oxygen with the addition of nitrogen. The CAD system, however, is considered ineffective at mitigating hydrogen releases from the more risk significant beyond design-basis accidents that could threaten primary containment integrity. The revised 10 CFR 50.44 rule requires systems and measures be in place to reduce the risks associated with combustible gases from beyond design-basis accidents and eliminates requirements for maintaining hydrogen and oxygen control equipment associated with a design-basis LOCA. As a result, the CAD system is no longer a mitigating safety system required to be maintained per the revised 10 CFR 50.44 rule. TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System,"

can therefore be deleted, and the technical basis for allowing the deletion is found in Section 3.0, Technical Evaluation.

2.2 Drywell Cooling System Fans

Section 50.44 requires that all primary containments must have a capability for ensuring a mixed atmosphere. The purpose of the Drywell Cooling System Fans is to ensure a uniformly mixed post accident primary containment atmosphere. Drywell Cooling System Fans are a mitigating safety system that meets the requirements of 10 CFR 50.44. The proposed TS change modifies the Required Actions that operators must take when the Drywell Cooling System Fans are inoperable in accordance with 10 CFR 50.36(c)(2)(i). Therefore, the Remedial Actions and associated allowed Completion Times when Drywell Cooling System Fans are inoperable may be revised as permitted by 10 CFR 50.36(c)(2)(i). The technical basis for allowing the revision to the Required Actions in STS 3.6.3.1, "Drywell Cooling System Fans," is found in Section 3.0, Technical Evaluation.

3.0 Technical Evaluation

3.1 Containment Atmosphere Dilution System

BWRs with Mark I containment designs have either installed hydrogen recombiners or CAD systems to meet requirements for combustible gas control following a design-basis LOCA. The hydrogen recombiners and the CAD system perform similar functions for post-LOCA gas control by decreasing the hydrogen concentration. Hydrogen recombiners function to reduce the combustible gas concentration in the primary containment by recombining hydrogen and oxygen to form water vapor. The CAD system functions to maintain combustible gas concentrations within the primary containment at or below the flammability limits following a postulated LOCA by diluting hydrogen and oxygen by adding nitrogen to the mixture.

Studies performed in support of the 10 CFR 50.44 rule change (September 16, 2003, 68 FR 54123) confirmed that the hydrogen release postulated from a design-basis LOCA was not risk significant because it was not large enough to lead to early containment failure, and that the risk associated with hydrogen combustion was from beyond design-basis (i.e., severe) accidents. As a result, the revised 10 CFR 50.44 rule eliminates requirements for maintaining hydrogen control equipment associated

with a design-basis LOCA and requires systems and measures be in place to reduce the risks associated with hydrogen combustion from beyond design-basis accidents.

The CAD system maintains combustible gas concentrations within the primary containment at or below the flammability limits following a LOCA, however, this system, as discussed in the 10 CFR 50.44 rule change was shown to be ineffective at mitigating hydrogen releases from the more risk significant beyond design-basis accidents that could threaten primary containment integrity, and is no longer required to address a design-basis LOCA. Therefore, the staff finds that the deletion of TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System," is acceptable.

3.2 Drywell Cooling System Fans

The design function of the Drywell Cooling System Fans is to ensure a uniformly mixed post accident primary containment atmosphere. LCO 3.6.3.1 requires that two Drywell Cooling System Fans shall be operable. One Drywell Cooling System Fan, and associated subsystem components, is needed to perform the mitigating system safety function. When both required Drywell Cooling System Fans are inoperable, Required Action B.1 requires operators to verify by administrative means that a hydrogen control function is maintained in the primary containment, and Required Action B.2 requires operators to restore one required Drywell Cooling System Fan to operable status. The Completion Time for Required Action B.1 is within 1 hour and once per 12 hours thereafter, while the Completion Time for Required Action B.2 is within 7 days. The license amendment request proposes to eliminate Required Action B.1. As a result of the proposed revision, operators would only be required to restore one required Drywell Cooling System Fan to operable status within 7 days when two required Drywell Cooling System Fans are inoperable.

The NRC staff considered the consequences of having two required Drywell Cooling System Fans inoperable for 7 days without operators having to verify by administrative means that a hydrogen control function is maintained in the primary containment. Neither NUREG-1150, "Severe Accident Risks: An Assessment for Five U.S. Nuclear Power Plants," nor the technical analyses in support of the risk-informed changes to 10 CFR 50.44, credit the function of the drywell fans in a beyond design-basis (i.e., severe) accident because the fans are deemed

ineffective in preventing a challenge to containment integrity due to combustible gas accumulation in a deinterted containment. Because Mark I and II containments are inerted, the risk significance of keeping the atmosphere mixed to prevent hydrogen combustion is low. Based on the above discussion, and the limited time (7 days) that the Drywell Cooling System Fans would be unavailable, the NRC staff finds that the proposed revision to TS 3.6.3.1, "Drywell Cooling System Fans," is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the [Name of State] State official was notified of the proposed issuance of the amendment. The State official had [no] comments. [If comments were provided, they should be addressed here].

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding issued on [Date] ([] FR []). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the amendment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

3. Federal Register Notice, Notice of Availability published on [DATE] ([] FR []).

4. TSTF-478 Revision 2, "BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control."

Principal Contributors: [Brian Lee, Aron Lewin, Robert Palla]

Model No Significant Hazards Determination

Description of Amendment Request: The proposed amendment would delete TS 3.6.3.3, "Containment Atmosphere Dilution (CAD) System" and revise TS 3.6.3.1, "Drywell Cooling System Fans," and the associated Bases, that will result in modifications to technical specification (TS) containment combustible gas control requirements as permitted by 10 CFR 50.44.

Basis for No Significant Hazards Determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1: The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Containment Atmosphere Dilution (CAD) system is not an initiator to any accident previously evaluated. The TS Required Actions taken when a drywell cooling system fan is inoperable are not initiators to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased.

The revised 10 CFR 50.44 no longer defines a design basis accident (DBA) hydrogen release and the Commission has subsequently found that the DBA loss of coolant accident (LOCA) hydrogen release is not risk significant. In addition, CAD has been determined to be ineffective at mitigating hydrogen releases from the more risk significant beyond design basis accidents that could threaten containment integrity. Therefore, elimination of the CAD system will not significantly increase the consequences of any accident previously evaluated. The consequences of an accident while relying on the revised TS Required Actions for drywell cooling system fans are no different than the consequences of the same accidents under the current Required Actions. As a result, the consequences of any accident previously evaluated is not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No new or different accidents result from utilizing the proposed change. The proposed change permits physical alteration of the plant involving removal of the CAD system. The CAD system is not an accident precursor, nor does its existence or elimination have any adverse impact on the pre-accident state of the reactor core or post accident confinement of radionuclides within the containment building from any design basis event. The changes to the TS do not alter assumptions made in the safety analysis, but reflect changes to the design requirements allowed under the revised 10 CFR 50.44. The proposed change is consistent with the revised safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The proposed change does not involve a significant reduction in a margin of safety.

The Commission has determined that the DBA LOCA hydrogen release is not risk significant, therefore is not required to be analyzed in a facility accident analysis. The proposed change reflects this new position and, due to remaining plant equipment, instrumentation, procedures, and programs that provide effective mitigation of and recovery from reactor accidents, including postulated beyond design basis events, does not result in a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, the NRC concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

[FR Doc. E7-20084 Filed 10-10-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Solicitation of Public Comments on the Implementation of the Reactor Oversight Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The NRC is soliciting comments from members of the public,

licensees, and interest groups related to the implementation of the Reactor Oversight Process (ROP). An electronic version of the survey questions may be obtained from <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/rop2007survey.pdf>. This solicitation will provide insights into the self-assessment process and a summary of the feedback will be included in the annual ROP self-assessment report to the Commission.

DATES: The comment period expires on December 7, 2007. The NRC will consider comments received after this date if it is practical to do so, but is only able to ensure consideration of comments received on or before this date.

ADDRESSES: Completed questionnaires and/or comments may be e-mailed to nrcprep@nrc.gov or sent to Michael T. Lesar, Chief, Rulemaking, Directives and Editing Branch, Office of Administration (Mail Stop T-6D59), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. If you choose to send your response using email, please include appropriate contact information so the NRC can follow-up on the comments. Comments may also be hand-delivered to Mr. Lesar at 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Documents created or received at the NRC after November 1, 1999, are available electronically through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm.html>. From this site, the public can access the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. For more information, contact the NRC's Public Document Room (PDR) reference staff at 301-415-4737 or 800-397-4209, or by e-mail at pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Bart Fu, Office of Nuclear Reactor Regulation (Mail Stop: OWFN 11A11), U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Mr. Fu can also be reached by telephone at 301-415-2467 or by e-mail at ZBF@NRC.GOV.

SUPPLEMENTARY INFORMATION:

Program Overview

The mission of the NRC is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and

protect the environment. This mission is accomplished through the following activities:

- License nuclear facilities and the possession, use, and disposal of nuclear materials.
- Develop and implement requirements governing licensed activities.
- Inspect and enforce licensee activities to ensure compliance with these requirements and the law.

Although the NRC's responsibility is to monitor and regulate licensees' performance, the primary responsibility for safe operation and handling of nuclear materials rests with each licensee.

As the nuclear industry in the United States has matured, the NRC and its licensees have learned much about how to safely operate nuclear facilities and handle nuclear materials. In April 2000, the NRC began to implement more effective and efficient inspection, assessment, and enforcement approaches, which apply insights from these years of regulatory oversight and nuclear facility operation. Key elements of the Reactor Oversight Process (ROP) include NRC inspection procedures, plant performance indicators, a significance determination process, and an assessment program that incorporates various risk-informed thresholds to help determine the level of NRC oversight and enforcement. Since ROP development began in 1998, the NRC has frequently communicated with the public by various initiatives: conducted public meetings in the vicinity of each licensed commercial nuclear power plant, issued **Federal Register** Notices to solicit feedback on the ROP, published press releases about the new process, conducted multiple public workshops, placed pertinent background information in the NRC's Public Document Room, and established an NRC Web site containing easily accessible information about the ROP and licensee performance.

NRC Public Stakeholder Comments

The NRC continues to be interested in receiving feedback from members of the public, various public stakeholders, and industry groups on their insights regarding the calendar year 2007 implementation of the ROP. In particular, the NRC is seeking responses to the questions listed below, which will provide important information that the NRC can use in ongoing program improvement. A summary of the feedback obtained will be provided to the Commission and included in the annual ROP self-assessment report.

This solicitation of public comments has been issued each year since the ROP was implemented in 2000. In the last few years, there were between 15 to 20 responses received each year from the industry, organizations, public citizens and other government entities. The ratings of each question did not provide meaningful statistical value due to the very limited number of responses. Starting from this survey, only written comments are requested for each of the survey questions.

Questions

In responding to these questions, please describe your experiences of the NRC oversight process. If additional space is needed, please attach to the back of the survey.

If there are experiences or opinions that you would like to express that cannot be directly captured by the questions, document them in the last question of the survey.

Questions Related to Specific Reactor Oversight Process (ROP) Program Areas

(As appropriate, please provide specific examples and suggestions for improvement.)

(1) Does the Performance Indicator Program provide useful insights to help ensure plant safety?

Comments:

(2) Does appropriate overlap exist between the Performance Indicator Program and the Inspection Program to provide for a comprehensive indication of licensee performance?

Comments:

(3) Does NEI 99-02, "Regulatory Assessment Performance Indicator Guideline" provide clear guidance regarding Performance Indicators?

Comments:

(4) Can the Performance Indicator Program effectively identify declining performance based on risk-informed, objective, and predictable indicators?
Comments:

(5) Does the Inspection Program adequately cover areas important to safety, and is it effective in identifying and ensuring the prompt correction of any performance deficiencies?
Comments:

(6) Is the information contained in inspection reports relevant, useful, and written in plain English?
Comments:

(7) Does the Significance Determination Process result in an objective and understandable regulatory response to performance issues?
Comments:

(8) Does the NRC take appropriate actions to address performance issues for those plants with identified performance deficiencies?
Comments:

(9) Is the information contained in assessment reports relevant, useful, and written in plain English?
Comments:

Questions Related to the Efficacy of the Overall ROP

(As appropriate, please provide specific examples and suggestions for improvement.)

(10) Are the ROP oversight activities predictable (*i.e.*, controlled by the process) and reasonably objective (*i.e.*, based on supported facts, rather than relying on subjective judgment)?
Comments:

(11) Is the ROP risk-informed, in that the NRC's actions are appropriately graduated on the basis of increased significance?
Comments:

(12) Is the ROP understandable and are the processes, procedures and products clear and written in plain English?
Comments:

(13) Does the ROP provide adequate assurance, when combined with other NRC regulatory processes, that plants are being operated and maintained safely?
Comments:

(14) Is the ROP effective, efficient, realistic, and timely?

Comments:

(15) Does the ROP ensure openness in the regulatory process?

Comments:

(16) Has the public been afforded adequate opportunity to participate in the ROP and to provide inputs and comments?

Comments:

(17) Has the NRC has been responsive to public inputs and comments on the ROP?

Comments:

(18) Has the NRC implemented the ROP as defined by program documents?

Comments:

(19) Does the ROP result in unintended consequences?

Comments:

Questions Related to the Safety Culture Aspects of the ROP

(20a) Do the ROP inspection and assessment safety culture enhancements help to focus licensee and NRC attention on performance issues associated with aspects of safety culture?

Comments:

(20b) Do the baseline Identification and Resolution of Problems inspection procedure (71152) and the special inspection procedures (93800 and 93812 respectively) provide an appropriate level of guidance on safety culture aspects and on the consideration of causal factors related to safety culture?

Comments:

(20c) Do the supplemental inspection procedures (Inspection for One or Two White Inputs in a Strategic Performance Area (95001), Inspection for One Degraded Cornerstone or any Three White Inputs in a Strategic Performance Area (95002)) respectively provide an appropriate level of guidance to evaluate whether safety culture components have been adequately considered as part of the licensees' root cause, extent of condition, and extent of cause evaluations and to independently determine if safety culture components caused or significantly contributed to the risk significant performance issues?

Comments:

(20d) Does the procedure for a Supplemental Inspection for Repetitive Degraded Cornerstones, Multiple Degraded Cornerstones, Multiple Yellow Inputs, or One Red Input (95003) provide an appropriate level of guidance to independently assess the licensees' safety culture and evaluate the licensees' assessment of their safety culture?

Comments:

(20e) Do the ROP inspection reports clearly describe inspection finding cross-cutting aspects?

Comments:

(20f) Do the Operating Reactor Assessment Program (0305) cross-cutting components and cross-cutting aspects provide an adequate coverage of the cross-cutting areas?

Comments:

(21) Please provide any additional information or comments related to the Reactor Oversight Process.

Comments:

Dated at Rockville, Maryland, this 4th day of October, 2007.

For the U.S. Nuclear Regulatory Commission.

Stuart A. Richards,

Deputy Director, Division of Inspection & Regional Support, Office of Nuclear Reactor Regulation.

[FR Doc. E7-20041 Filed 10-10-07; 8:45 am]

BILLING CODE 7590-01-P

**OFFICE OF PERSONNEL
MANAGEMENT****Excepted Service**

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 6.6 and 213.103.

FOR FURTHER INFORMATION CONTACT: C. Penn, Group Manager, Executive Resources Services Group, Center for Human Resources, Division for Human Capital Leadership and Merit System Accountability, 202-606-2246.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedules A, B, and C between August 1, 2007, and August 31, 2007. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

Schedule A

No Schedule A appointments were approved for August 2007.

Schedule B

No Schedule B appointments were approved for August 2007.

Schedule C

The following Schedule C appointments were approved during August 2007.

*Section 213.3303 Executive Office of the President**Office of Management and Budget*

BOGS70019 Director of Scheduling to the Director Office of Management and Budget. Effective August 01, 2007.

BOGS70018 Legislative Analyst to the Associate Director for Legislative Affairs. Effective August 03, 2007.

Office of National Drug Control Policy

QQGS70012 Policy Analyst to the Deputy Director for State and Local Affairs. Effective August 17, 2007.

QQGS70013 Confidential Assistant to the Chief of Staff. Effective August 22, 2007.

Office of the United States Trade Representative

TNGS70006 Public Affairs Specialist to the Assistant US Trade Representative for Public and Media Affairs. Effective August 14, 2007.

Section 213.3304 Department of State

DSGS61245 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective August 03, 2007.

DSGS61247 Staff Assistant to the Assistant Secretary for Economic and Business Affairs. Effective August 03, 2007.

DSGS61248 Special Assistant to the Under Secretary for Economic Affairs. Effective August 03, 2007.

DSGS61249 Staff Assistant to the Assistant Secretary for International Organizational Affairs. Effective August 03, 2007.

DSGS61246 Staff Assistant to the Director, Policy Planning Staff. Effective August 17, 2007.

DSGS61250 Special Assistant to the Assistant Secretary. Effective August 17, 2007.

DSGS61251 Staff Assistant to the Director, Policy Planning Staff. Effective August 17, 2007.

Section 213.3305 Department of the Treasury

DYGS00461 Senior Advisor to the Assistant Secretary (Tax Policy). Effective August 07, 2007.

DYGS60390 Senior Advisor to the Assistant Secretary (Management) and Chief Financial Officer. Effective August 13, 2007.

DYGS00420 Special Assistant to the Assistant Secretary (Deputy Under Secretary) for Legislative Affairs. Effective August 20, 2007.

DYGS60307 Senior Advisor to the Treasurer of the United States. Effective August 20, 2007.

DYGS00447 Senior Advisor to Under Secretary for Terrorism and Financial Crimes. Effective August 22, 2007.

DYGS00499 Deputy Chief of Staff for External Affairs to the Chief of Staff for External Affairs. Effective August 28, 2007.

DYGS00500 Scheduler to the Treasurer of the United States. Effective August 30, 2007.

Section 213.3306 Department of Defense

DDGS17077 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective August 01, 2007.

DDGS17079 Special Assistant to the Assistant Secretary of Defense (International Security Affairs). Effective August 08, 2007.

DDGS17089 Public Affairs Specialist to the Assistant Secretary of Defense Public Affairs. Effective August 13, 2007.

DDGS17082 Special Assistant to the Secretary of Defense for White House Liaison. Effective August 15, 2007.

DDGS17085 Public Affairs Specialist to the Assistant Secretary of Defense Public Affairs. Effective August 15, 2007.

DDGS17084 Public Affairs Specialist to the Assistant Secretary of Defense Public Affairs. Effective August 16, 2007.

DDGS17078 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective August 17, 2007.

DDGS17081 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective August 23, 2007.

DDGS17087 Staff Assistant to the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict and Interdependent Capabilities). Effective August 24, 2007.

DDGS17091 Staff Assistant to the Principal Deputy to the Deputy Under Secretary of Defense (Asian and Pacific Security Affairs). Effective August 24, 2007.

DDGS17093 Staff Assistant to the Deputy Assistant Secretary of Defense (Near East and South Asian Affairs). Effective August 24, 2007.

DDGS17098 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective August 24, 2007.

DDGS17086 Supervisory Speechwriter to the Assistant Secretary of Defense Public Affairs. Effective August 31, 2007.

DDGS17090 Special Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective August 31, 2007.

DDGS17099 Public Affairs Specialist to the Assistant Secretary of Defense Public Affairs. Effective August 31, 2007.

Section 213.3307 Department of the Army

DWGS60064 Personal and Confidential Assistant to the Principal Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs)/Deputy Assistant Secretary (Training, Readiness and Mobilization). Effective August 06, 2007.

DWGS00088 Personal and Confidential Assistant to the General Counsel. Effective August 29, 2007.

Section 213.3308 Department of the Navy

DNGS07300 Confidential Assistant to the Assistant Secretary of the Navy

(Financial Management and Comptroller). Effective August 24, 2007.

DNGS07343 Special Assistant to the Secretary of the Navy. Effective August 24, 2007.

Section 213.3310 Department of Justice

DJGS00207 Public Affairs Specialist to the Director of the Violence Against Women Office. Effective August 1, 2007.

DJGS00100 Deputy Director to the Director, Office of Public Affairs. Effective August 3, 2007.

DJGS00071 Press Assistant to the Deputy Director. Effective August 10, 2007.

DJGS00119 Senior Advisor to the Assistant Attorney General, Office of Justice Programs. Effective August 10, 2007.

DJGS00341 Special Assistant to the Attorney General to the Chief of Staff. Effective August 16, 2007.

DJGS00179 Counsel to the Principal Deputy Assistant Attorney General. Effective August 30, 2007.

DJGS00262 Special Counsel on Voting Matters to the Assistant Attorney General. Effective August 30, 2007.

DJGS00311 Counsel to the Principal Associate Deputy Attorney General. Effective August 31, 2007.

DJGS00358 Special Assistant and Counsel to the Principal Deputy Assistant Attorney General. Effective August 31, 2007.

Section 213.3311 Department of Homeland Security

DMGS00692 Director of Legislative Affairs, Immigration and Customs Enforcement to the Assistant Secretary, Immigration and Customs Enforcement. Effective August 1, 2007.

DMGS00688 Legislative Assistant to the Assistant Secretary for Legislative Affairs. Effective August 7, 2007.

DMGS00696 Assistant Director of Legislative Affairs to the Assistant Secretary for Legislative Affairs. Effective August 10, 2007.

DMGS00697 Special Assistant to the Director, Office of Screening Coordination. Effective August 10, 2007.

DMGS00699 Director, Homeland Security Council/National Security Council/White House Actions and Interagency Coordinator to the Executive Secretary. Effective August 10, 2007.

DMGS00700 Advance Representative to the Director of Scheduling and Advance. Effective August 10, 2007.

DMGS00695 Confidential Legal Assistant to the General Counsel. Effective August 14, 2007.

DMGS00701 Component Liaison and Correspondence Analyst to the Executive Secretary. Effective August 17, 2007.

DMGS00702 Special Assistant to the Deputy Secretary of the Department of Homeland Security. Effective August 17, 2007.

DMGS00703 Advisor to the Director to the Deputy Chief of Staff. Effective August 17, 2007.

DMGS00704 Advisor to the Secretary to the Chief of Staff. Effective August 17, 2007.

DMGS00705 White House Liaison to the Chief of Staff. Effective August 17, 2007.

DMGS00706 Confidential Assistant to the White House Liaison and Advisor. Effective August 17, 2007.

DMGS00698 Associate Director of Strategic Communications to the Director of Strategic Communications. Effective August 21, 2007.

DMGS00709 Special Assistant to the Commissioner to the Chief of Staff. Effective August 28, 2007.

DMGS00710 International Policy Analyst to the Under Secretary for Science and Technology. Effective August 28, 2007.

DMGS00711 Special Assistant to the Executive Director, Homeland Security Advisory Committees. Effective August 28, 2007.

DMGS00707 Special Assistant to the Director, Office of National Capital Region Coordination. Effective August 30, 2007.

Section 213.3312 Department of the Interior

DIGS01107 Special Assistant to the Chief of Staff. Effective August 21, 2007.

Section 213.3313 Department of Agriculture

DAGS00915 Staff Assistant to the Under Secretary for Research, Education and Economics. Effective August 14, 2007.

DAGS00916 Deputy Director of Advance to the Director of Communications. Effective August 16, 2007.

DAGS00918 Staff Assistant to the Director of Legislative and Public Affairs. Effective August 23, 2007.

DAGS09053 State Director—West Virginia to the Under Secretary for Rural Development. Effective August 31, 2007.

Section 213.3314 Department of Commerce

DCGS60342 Deputy Director to the Director, Office of White House Liaison. Effective August 03, 2007.

DCGS00160 Confidential Assistant to the Director, Advocacy Center. Effective August 17, 2007.

DCGS00446 Chief of Staff and Senior Advisor to the Under Secretary of Commerce for Industry and Security. Effective August 21, 2007.

DCGS60393 Legislative Affairs Specialist to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective August 22, 2007.

DCGS00317 Deputy Director of Advisory Committees to the Director of Advisory Committees. Effective August 30, 2007.

DCGS60494 Deputy Press Secretary to the Director of Public Affairs. Effective August 30, 2007.

DCGS60575 Confidential Assistant to the Deputy Assistant Secretary for Europe. Effective August 31, 2007.

Section 213.3315 Department of Labor

DLGS60154 Senior Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective August 01, 2007.

DLGS60011 Staff Assistant to the Director, 21st Century Office and Deputy Assistant Secretary for Intergovernmental Affairs. Effective August 07, 2007.

DLGS60246 Director of Events to the Director of Scheduling. Effective August 07, 2007.

DLGS60144 Staff Assistant to the Director, 21st Century Office and Deputy Assistant Secretary for Intergovernmental Affairs. Effective August 09, 2007.

DLGS60197 Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective August 21, 2007.

DLGS60224 Special Assistant to the Assistant Secretary for Mine Safety and Health. Effective August 28, 2007.

DLGS60101 Chief of Staff to the Assistant Secretary for Public Affairs. Effective August 29, 2007.

Section 213.3316 Department of Health and Human Services

DHGS60061 Confidential Assistant to the Director of Public Affairs. Effective August 03, 2007.

DHGS60528 Confidential Assistant (Scheduling) to the Director of Scheduling. Effective August 09, 2007.

DHGS60015 Deputy Director, Center for Faith Based and Community Initiatives to the Director, Center for

Faith Based and Community Initiatives. Effective August 13, 2007.
 DHGS60049 Senior Advisor to the Assistant Secretary, Health. Effective August 14, 2007.
 DHGS60014 Director (Office of Document and Regulations Management) to the Executive Secretary to the Department. Effective August 28, 2007.
 DHGS60063 Confidential Assistant to the Director of Public Affairs. Effective August 28, 2007.
 DHGS60681 Confidential Assistant to the Director of Media Affairs. Effective August 28, 2007.
 DHGS60064 Special Assistant to the Assistant Secretary for Children and Families. Effective August 30, 2007.
 DHGS60527 Confidential Assistant (Scheduling) to the Director of Scheduling. Effective August 30, 2007.

Section 213.3317 Department of Education

DBGS00629 Confidential Assistant to the Special Assistant. Effective August 1, 2007.
 DBGS00633 Confidential Assistant to the Assistant Secretary, Office of Communications and Outreach. Effective August 8, 2007.
 DBGS00630 Special Assistant to the Chief of Staff. Effective August 9, 2007.
 DBGS00631 Special Assistant to the Deputy Assistant Secretary. Effective August 14, 2007.
 DBGS00634 Confidential Assistant to the General Counsel. Effective August 16, 2007.
 DBGS00624 Confidential Assistant to the Assistant Secretary for Postsecondary Education. Effective August 17, 2007.
 DBGS00632 Deputy Assistant Secretary for External Affairs and Outreach Services to the Assistant Secretary, Office of Communications and Outreach. Effective August 17, 2007.
 DBGS00635 Special Assistant to the Chief of Staff. Effective August 28, 2007.
 DBGS00640 Deputy Secretary's Regional Representative to the Assistant Secretary, Office of Communications and Outreach. Effective August 30, 2007.

Section 213.3318 Environmental Protection Agency

EPGS07017 Program Manager (Operations) to the Deputy Chief of Staff (Operations). Effective August 1, 2007.
 EPGS06036 Supervisory Public Affairs Specialist to the Associate

Administrator for Public Affairs. Effective August 9, 2007.
 EPGS07019 Program Advisor to the Associate Administrator for Public Affairs. Effective August 9, 2007.

Section 213.3330 Securities and Exchange Commission

SEOT60103 Legislative and Intergovernmental Affairs Specialist to the Director of Legislative Affairs. Effective August 16, 2007.

Section 213.3331 Department of Energy

DEGS00605 Senior Policy Advisor to the Assistant Secretary for Fossil Energy. Effective August 6, 2007.
 DEGS00608 Special Assistant to the Chief Financial Officer. Effective August 17, 2007.
 DEGS00610 Assistant Press Secretary to the Director, Public Affairs. Effective August 28, 2007.
 DEGS00609 Special Assistant to the Director, Office of Electricity Delivery and Energy Reliability. Effective August 30, 2007.
 DEGS00611 Policy Advisor to the Deputy Assistant Secretary. Effective August 30, 2007.
 DEGS00615 Special Assistant to the Deputy Director, Permitting, Siting and Analysis Division. Effective August 31, 2007.

Section 213.3332 Small Business Administration

SBGS00618 Special Assistant to the National Ombudsman and Assistant Administrator for Regulatory Enforcement Fairness. Effective August 7, 2007.

Section 213.3337 General Services Administration

SGSG60078 Special Assistant to the Regional Administrator National Capital Region. Effective August 7, 2007.
 SGSG60120 Senior Communications Advisor to the Deputy Associate Administrator for Communications. Effective August 21, 2007.
 SGSG60121 Chief of Staff to the Chief Acquisition Officer. Effective August 21, 2007.
 SGSG60117 Senior Advisor to the Associate Administrator for Citizen Services and Communications. Effective August 24, 2007.

Section 213.3348 National Aeronautics and Space Administration

NNGS00200 Executive Assistant to the Chief of Staff. Effective August 13, 2007.

Section 213.3355 Social Security Administration

SZGS00019 Senior Advisor to the Deputy Commissioner for Legislation and Congressional Affairs. Effective August 9, 2007.

Section 213.3373 Trade and Development Agency

TDGS60001 Executive Assistant to the Director. Effective August 23, 2007.

Section 213.3379 Commodity Futures Trading Commission

CTOT00091 Chief Economist to the Chairperson. Effective August 31, 2007.

Section 213.3394 Department of Transportation

DTGS60341 Associate Director for Governmental Affairs to the Deputy Assistant Secretary for Governmental Affairs. Effective August 1, 2007.
 DTGS60373 Director of Governmental Affairs to the Administrator. Effective August 30, 2007.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.

U.S. Office of Personnel Management.

Howard Weizmann,

Deputy Director.

[FR Doc. 07-5016 Filed 10-10-07; 8:45 am]

BILLING CODE 6325-39-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56611; File No. SR-CHX-2007-19]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Relating to a New Book Feed Product

October 4, 2007.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on September 27, 2007, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been substantially prepared by the CHX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Through this filing, the Exchange proposes to distribute a new Book Feed product and to amend its Fee Schedule to confirm that it will not charge a fee for the distribution of this product. The text of this proposed rule change is available on the Exchange's Web site at http://www.chx.com/rules/proposed_rules.htm, at the CHX's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Through this filing, the Exchange proposes to distribute a new Book Feed product and to amend its Fee Schedule to confirm that it will not charge a fee for the distribution of this product.³ This product currently is slated to be available on or before October 31, 2007.

Through the Book Feed, the Exchange would disseminate a real-time stream of data that includes, among other things, all visible orders submitted to the Exchange's Matching System, as well as any changes to those orders.⁴ The Book Feed would also contain information about trades that occur on the Exchange. This data would be available to any person or entity, either through a direct feed from the Exchange or through a company or vendor that provides the data to others.⁵ The Book Feed would

include basic information about each order, including the size and price of the order; whether it was an order to buy or sell; its time of receipt; and the identity of the participant firm that submitted the order.⁶

The Exchange believes that, by making this Book Feed available, it would enhance market transparency and foster competition among markets.⁷ Other self-regulatory organizations currently distribute similar data feeds.⁸

2. Statutory Basis

The CHX believes the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of section 6(b).⁹ The proposed rule change is consistent with section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members. The proposed rule change is consistent with section 6(b)(5) of the Act because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public

sign an appropriate agreement with the Exchange; if the recipient of the data (the "vendor") disseminates the data to another person or entity (the "subscriber"), the subscriber would be required to sign a subscriber agreement with the vendor. Each of these agreements would contain provisions substantially similar to those used by the securities information processors for the distribution of market data.

⁶ A participant firm could choose, either on a firm-wide or order-by-order basis, to have its identity kept confidential in the order information that is distributed in the Book Feed. The Exchange plans to have the ability to remove a participant firm's identity on the data, at the firm's request, on or before October 31, 2007; alternatively, beginning on or about November 15, 2007, the firm could append a special indicator to the order confirming its choice to remain anonymous in the Book Feed.

⁷ Within the Exchange's systems, the data that would be disseminated as part of the Book Feed would leave the Matching System immediately following the best bids, offers and last sales that are being sent to the securities information processors ("SIPs"). The Exchange would not use any technology that is designed to make the Book Feed data available from the Matching System earlier than the best bids, offers and last sales are available to the SIPs.

⁸ See filings relating to the New York Stock Exchange's OpenBook service (including Securities Exchange Act Release Nos. 44138 (December 7, 2001), 66 FR 64895 (December 14, 2001) and 53585 (March 31, 2006), 71 FR 17934 (April 7, 2006)); NYSE Arca's ArcaBook data, Securities Exchange Act Release No. 54597 (October 12, 2006), 71 FR 62029 (October 20, 2006) (confirming that the ArcaBook data currently is disseminated without charge); and the Philadelphia Stock Exchange's data display in its new XLE system, Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006).

⁹ 15 U.S.C. 78(f)(b).

interest by allowing the Exchange distribute a Book Feed much like those already distributed by other markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

CHX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,¹⁰ the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act¹¹ and Rule 19b-4(f)(6) thereunder.¹²

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-CHX-2007-19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission,

¹⁰ The Exchange has fulfilled this requirement.

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b-4(f)(6).

³ The Exchange does not currently plan to charge a fee for the distribution of this data, but may choose to do so in the future. Any decision to charge a fee for the Book Feed data would be reflected in a filing submitted to the Commission as required by Rule 19b-4 of the Act.

⁴ Undisplayed orders and the undisplayed portions of reserve size orders would not be disseminated through the Book Feed; however, any odd lot orders (which are not expressly identified as "undisplayed") would be disseminated through the Book Feed.

⁵ Each person or entity that requests the data directly from the Exchange would be required to

100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-CHX-2007-19. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m.. Copies of such filing also will be available for inspection and copying at the principal office of the CHX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CHX-2007-19 and should be submitted on or before November 1, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Nancy M. Morris,

Secretary.

[FR Doc. E7-20024 Filed 10-10-07; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56606; File No. SR-NYSEArca-2007-69]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, and Notice of Filing of Amendment No. 1 Thereto Relating to Adoption of Revised Initial and Continued Listing Standards for the Pilot Program Expiring on November 30, 2007

October 3, 2007.

I. Introduction

On July 23, 2007, NYSE Arca, Inc. ("NYSE Arca" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend its initial and continued listing standards for the listing of common stock under a pilot program expiring on November 30, 2007 ("Pilot Program").³ The proposed rule change was published for comment in the **Federal Register** on August 16, 2007.⁴ The Commission received no comments on the proposal. On September 27, 2007, NYSE Arca filed Partial Amendment No. 1 to the proposed rule change.⁵ This order approves the proposed rule change, as modified by Amendment No. 1, on an accelerated basis, and provides notice of filing of Amendment No. 1.

II. Description of the Proposal

NYSE Arca proposes to amend its initial and continued listing standards under the Pilot Program. According to the Exchange, based on its experience in

the initial six-month period of the Pilot Program, the Exchange concluded that the listing standards would qualify many companies for listing that are much smaller than the minimum size it wishes to include in its target market. NYSE Arca further noted that the proposed amended initial listing standard would exclude from qualification some companies that currently qualify to list but whose size or financial performance is not consistent with that of the kind of issuer NYSE Arca intends to list.

A. Initial Listing Standards

The current NYSE Arca listing standards require for initial listing that, at the time of initial listing, the listed class of common stock shall have:⁶

At least 1.1 million publicly held shares.

A closing price per share of \$5 or more.⁷

A minimum of 400 round lot shareholders.

In addition, the requirements of one of Standards One, Two, or Three below must be met:

Standard One

The issuer of the security had annual income from continuing operations before income taxes of at least \$1 million in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

The market value of publicly held shares is at least \$8 million.

The issuer of the security has stockholders' equity of at least \$15 million.

Standard Two

The issuer of the security has stockholders' equity of at least \$30 million.

The market value of publicly held shares is at least \$18 million.

The issuer has a two-year operating history.

Standard Three

The market value of publicly held shares is at least \$20 million.

The issuer has:

A market value of listed securities of at least \$75 million (currently traded issuers must meet this requirement and the \$5 closing price requirement for 90 consecutive trading days prior to applying for listing); or

Total assets and total revenue of at least \$75 million each for the most

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The Commission initially approved the Pilot Program for six months, until May 29, 2007. *See* Securities Exchange Act Release No. 54796 (November 20, 2006), 71 FR 69166 (November 29, 2006) (SR-NYSEArca-2006-85). The Pilot Program was subsequently extended for an additional six months, until November 30, 2007. *See* Securities Exchange Act Release No. 55838 (May 31, 2007), 72 FR 31642 (June 7, 2007) (SR-NYSEArca-2007-51).

⁴ *See* Securities Exchange Act Release No. 56232 (August 9, 2007), 72 FR 46119.

⁵ In Partial Amendment No. 1, NYSE Arca (i) Indicates that it is the Exchange's current practice to require, in the case of initial public offerings, at least \$5 per share, based on the initial public offering price; (ii) codifies the Exchange's current practice of requiring at least \$5 per share for initial public offerings; (iii) describes the Exchange's process to verify compliance with the initial listing requirements; and (iv) clarifies that the Exchange is amending the closing price per share for currently listed issuers by requiring them to meet the price for at least 90 consecutive trading days prior to applying for listing.

⁶ *See* NYSE Arca Equities Rule 5.2(c).

⁷ In the case of initial public offerings, the Exchange represents that it interprets the provision as requiring an initial public offering price of \$5 per share or more. *See* Partial Amendment No. 1, *supra* note 5.

¹³ 17 CFR 200.30-3(a)(12).

recently completed fiscal year or in each of two of the last three most recently completed fiscal years. NYSE Arca proposes to eliminate Standards One and Two and require all issuers to qualify under an amended version of existing Standard Three. As proposed, the market value of publicly held shares requirement of Standard Three would be raised from \$20 million to \$45 million. All issuers would be required to meet the market value of listed securities of Standard Three, which would be raised from \$75 million to \$150 million. In addition, the issuer of the security would be required to meet two of the following four conditions:

Total assets of at least \$75 million.
Total revenues of at least \$50 million for the most recently completed fiscal year.

Stockholders' equity of at least \$50 million.

Positive pre-tax earnings in the most recently completed fiscal year.

Finally, NYSE Arca is amending the closing price per share requirement. Currently, NYSE Arca requires a closing price of \$5 per share or more and does not differentiate between initial public offerings and currently traded issuers.⁸ NYSE Arca proposes to require (1) In the case of initial public offerings, an initial public offering price of \$5 per share or more⁹ and (2) in the case of currently traded issuers, a closing price of \$5 per share or more for 90 consecutive trading days prior to applying for listing.¹⁰

⁸ The Commission notes that the previous language in the \$5.00 minimum closing price did not specify how a company listing for the first time would meet this requirement since there would be no previous closing price history. In Partial Amendment No 1, NYSE Arca described the Exchange's process to verify compliance with initial listing standards in an initial public offering situation.

⁹ According to the Exchange, in the case of initial public offerings, the issuer or principal underwriter must provide NYSE Arca with a letter of representation stating that the issuer is expected to be in compliance with the requisite holders, market value, and share price requirements upon completion of the offering. The letter of representation must provide NYSE Arca with an approximation of the anticipated numerical levels for each of the cited criteria. NYSE Arca also requires issuers to provide a distribution schedule signed by an executive officer of the issuer, providing the best available estimate of the number of beneficial holders. For transfer listings, this form is due prior to admission to trading. For initial public offerings, this form is due within 120 days after completion of the offering. NYSE Arca represents that it intends to continue the foregoing procedures in connection with the application of its initial listing standards as amended by this filing.

¹⁰ Under current NYSE Arca rules, only issuers qualifying for listing under the first alternative of Standard Three would have to meet the \$5 closing price requirement for 90 consecutive trading days prior to applying for listing. This change would require all currently traded issuers to meet the price requirement for 90 consecutive days prior to listing.

B. Continued Listing Standards

The current NYSE Arca listing standards require for continued listing that the listed class of common stock shall meet either Continued Listing Standard One or Continued Listing Standard Two. The factors for Continued Listing Standard One are:

750,000 publicly held shares;
Market value of publicly held shares of \$5 million;

The issuer has stockholders' equity of at least \$10 million; and
400 shareholders of round lots.

NYSE Arca proposes to amend Continued Listing Standard One as follows:

The publicly held shares requirement would be raised from 750,000 to 1.1 million shares.

The market value of publicly held shares requirement would be raised from \$5 million to \$15 million.

The stockholders' equity would be raised from \$10 million to \$15 million.

The minimum of 400 round lot shareholders would remain the same. NYSE Arca is not amending Continued Listing Standard Two.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹¹ In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act,¹² which requires that an exchange have rules designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, protect investors and the public interest, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The development and enforcement of adequate standards governing the initial and continued listing of securities on an exchange is an activity of critical importance to financial markets and the investing public. Listing standards serve as a means for an exchange to screen issuers and to provide listed status only to bona fide companies with sufficient public float, investor base, and trading interest to ensure that the market for a company's stock has the depth and liquidity necessary to maintain fair and

orderly markets. Adequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market. Once a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained.

As discussed in more detail below, the new standards will allow NYSE Arca to list certain types of companies that meet specified criteria, including size, market value, holder, and price requirements, which should help to ensure that listed companies have sufficient depth and liquidity to maintain a fair and orderly market. The Commission notes that the proposed NYSE Arca initial listing standards remain more restrictive than the current Pilot Program requirements for current initial listing Standard Three. For example, the market value of publicly held shares would increase from \$20 million to \$45 million.¹³ In addition, the market value of listed securities would increase from \$75 million to \$150 million.¹⁴ As noted above, the continued listing standards under Standard One are being increased to reflect the increased initial listing standards. For example, the market value of publicly held shares is raised from \$5 million to \$15 million, the publicly held shares requirement is raised from 750,000 to 1.1 million shares, and the stockholders' equity is raised from \$10 million to \$15 million.

While the rule proposal will allow NYSE Arca to exclude from qualification some companies that currently qualify to list, but whose size or financial performance is not consistent with the kind of issuer the Exchange has stated it intends to list, the Commission believes that as long as there are requirements to ensure adequate depth and liquidity, and other regulatory requirements are in place to ensure adequate investor protections, that it is within the Exchange's business judgment to determine it no longer wants to qualify for listing these type of smaller companies under its rules.¹⁵

¹³ See proposed NYSE Arca Equities Rule 5.2(c)(iv).

¹⁴ See proposed NYSE Arca Equities Rule 5.2(c)(v). In addition, under the proposal, an issuer must meet two of the four factors noted above that serve as indicators of the issuer's financial condition.

¹⁵ The Commission notes that under NYSE Arca rules, the Exchange has broad discretion to deny

¹¹ In approving this proposed rule change, the Commission notes that it has considered the proposed rules' impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹² 15 U.S.C. 78f(b)(5).

Further, the Exchange has represented that any currently listed issuers who would be below the proposed continued listing standards will have an ability to gain compliance through the Exchange's normal process. The Exchange's rules, among other things, set forth certain due process procedures, including a right of review, with respect to any delisting determination by the Exchange.¹⁶

Finally, NYSE Arca is making some clarifying changes to the \$5.00 minimum closing price requirement.¹⁷ For initial public offerings, NYSE Arca is codifying its current practice of requiring an initial public offering price per share of \$5 or more.¹⁸ For currently traded issuers, NYSE Arca is amending the current \$5 price per share requirement by adding the Standard Three requirement of meeting the minimal price per share for 90 consecutive trading days prior to applying for listing. The Commission believes that the proposed changes to the price per share requirement will provide clarity to issuers on the price requirements to list on NYSE Arca and ensure that currently traded issuers must evidence some minimum price history to qualify for listing.

Based on the above, the Commission believes the rule change is reasonable and should continue to provide only for the listing of securities with a sufficient investor base to maintain fair and orderly markets. While the changes will remove certain alternative initial listing standards under NYSE Arca rules that may have actually been higher in some respects from the current standards, because these are all alternative standards and the proposal actually increases existing requirements under initial listing alternative Standard Three and makes that the sole alternative for qualifying for listing, taken as a whole, the Commission believes the standards are an increase over the current standards. The continued listing standards also are an increase compared to existing standards. Accordingly, the Commission believes that the changes adequately protect investors and the public interest.

listing to any company based on any event, condition, or circumstance that makes listing of the company inadvisable or unwarranted in the opinion of the Exchange. Further, the Commission notes that the rule permits the Exchange to deny listing even if the company meets the listing standards. See NYSE Arca Equities Rule 5.2(a).

¹⁶ See NYSE Arca Equities Rule 5.5(m).

¹⁷ See proposed NYSE Arca Equities Rule 5.5(c)(ii).

¹⁸ See *supra* note 9, which discuss compliance with the initial listing standards for initial public offerings.

IV. Accelerated Approval of Proposed Rule Change as Modified by Amendment No. 1

Pursuant to section 19(b)(2) of the Act,¹⁹ the Commission finds good cause to approve the proposal, as modified by Amendment No. 1, prior to the thirtieth day after the publication of the proposal in the **Federal Register**. The Commission notes that the Exchange is codifying its current procedures with respect to the initial public offering price per share requirement and clarifies that the proposal would change the price per share requirement for currently listed issuers by requiring them to meet this price requirement for a specified period of time. The Commission believes that Amendment No. 1 clarifies the proposed rule language and does not introduce any new regulatory issues. For these reasons, the Commission finds good cause for approving the proposal, as modified by Amendment No. 1, on an accelerated basis.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1, including whether the amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or send an e-mail to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2007-69 on the subject line.

Paper Comments

Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2007-69. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2007-69 and should be submitted on or before November 1, 2007.

VI. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with section 6(b)(5) of the Act.²⁰

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,²¹ that the proposed rule change (SR-NYSEArca-2007-69), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis, as a pilot until November 30, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²²

Nancy M. Morris,
Secretary.

[FR Doc. E7-20025 Filed 10-10-07; 8:45 am]

BILLING CODE 8011-01-P

²⁰ The approval order for the Pilot Program noted that the staff of the Division of Market Regulation would not recommend enforcement action to the Commission under Rules 15c-2 through 15c-9 under the Act if broker-dealers treated equity securities listed pursuant to the initial and continued listing standards set forth in amended NYSE Arca Equities Rule 5 as meeting the exclusion from the definition of penny stock contained in Rule 3a51-1 under the Act pursuant to paragraph (a)(2) thereof. See *supra* note 3. Because the alternative listing standard contained in Rule 5.2(c)(3)(ii)(b) of the Pilot Program, which necessitated no-action relief, is not included in the amended listing standards, no-action relief would not be required for the new standards being adopted in this order.

²¹ 15 U.S.C. 78s(b)(2).

²² 17 CFR 200.30-3(a)(12).

¹⁹ 15 U.S.C. 78s(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56608; File No. SR-Phlx-2007-40]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 3, Relating to the Definition of "Complex Trade"

October 3, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on May 21, 2007, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by the Phlx. The Exchange filed Amendment No. 1 to the proposal on September 4, 2007, and withdrew Amendment No. 1 on October 1, 2007. The Exchange filed Amendment Nos. 2 and 3 to the proposal on October 1, 2007, and withdrew Amendment No. 2 on the same day.³ The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 3, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Phlx Rule 1066, "Certain Types of Orders Defined," to revise the definition of "synthetic option," and to amend Phlx Rule 1083(c) to change the definition of "Complex Trade" as it relates to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (the "Linkage Plan").⁴

The text of the proposed rule change is available at Phlx, the Commission's

Public Reference Room, and <http://www.phlx.com>.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is, first, to amend Phlx Rule 1066(g) by adopting a new definition of "synthetic option order" to address strategies for synthetic option orders that often require a delta neutral position among the various components of the synthetic option order instead of the current requirement that such components offset one another on a one-for-one basis. The proposed definition is consistent with the definition of "stock-option order" adopted by other U.S. options exchanges.⁵ A further purpose of the proposed rule change is to add a certain type of synthetic option order (as described more fully below) to the definition of "Complex Trade" in Phlx Rule 1083 so that such an order that resulted in a Trade-Through⁶ would qualify for an exception to Trade-Through and Satisfaction Order⁷ liability under the Exchange's Rules and for purposes of the Linkage Plan. The proposed changes to the definition of "Complex Trade" in Phlx Rule 1083 conform the Phlx's proposed definition of "Complex Trade" to the revised

definition proposed by other Linkage Plan Participants.⁸

Synthetic Option Order

Currently, Rule 1066(g), "Synthetic Option," defines a "synthetic option order" as an order to buy or sell a stated number of option contracts and buy or sell the underlying stock or Exchange-Traded Fund Share in an amount that would offset (on a one-for-one basis) the option position.

The proposed rule change would re-define "synthetic option order" to mean an order to buy or sell a stated number of units of an underlying stock or a security convertible into the underlying stock ("convertible security") coupled with either (i) the purchase or sale of option contract(s) on the opposite side of the market representing either the same number of units of the underlying stock or convertible security or the number of units of the underlying stock or convertible security necessary to create a delta neutral position; or (ii) the purchase or sale of an equal number of put and call option contracts, each having the same exercise price, expiration date, and each representing the same number of units of stock as, and on the opposite side of the market from, the stock or convertible security portion of the order.

Complex Trade

The proposal would also amend Phlx Rule 1083 to revise the definition of "Complex Trade" for purposes of the Linkage Plan, which provides an exception to Trade-Through and Satisfaction Order liability when the transaction that caused the Trade-Through was the result of a "Complex Trade."⁹

Specifically, the Exchange proposes first to modify the portion of the definition of "Complex Trade" that deals with ratio spreads to mean the execution of an order in an options series in conjunction with the execution of one or more related orders(s) in different options series in the same underlying security occurring at or near the same time in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.0) and for the purpose of executing a particular investment strategy.

Secondly, the Exchange proposes to include a certain limited type of

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Amendment No. 3 replaces and supersedes the previously filed proposed rule change in its entirety.

⁴ On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating the Linkage proposed by the American Stock Exchange LLC, Chicago Board Options Exchange, Incorporated, and International Securities Exchange, LLC ("ISE"). See Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000). Subsequently, Phlx, Pacific Exchange, Inc. (n/k/a NYSE Arca, Inc.), and Boston Stock Exchange, Inc. joined the Linkage Plan. See Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70851 (November 28, 2000); 43574 (November 16, 2000), 65 FR 70850 (November 28, 2000); and 49198 (February 5, 2004), 69 FR 7029 (February 12, 2004).

⁵ See, e.g., ISE Rule 722(a)(5)(i).

⁶ "Trade-Through" means a transaction in an options series at a price that is inferior to the National Best Bid or Offer ("NBBO"), but shall not include a transaction that occurs at a price that is one minimum quoting increment inferior to the NBBO provided a Linkage Order is contemporaneously sent to each Participant Exchange disseminating the NBBO for the full size of the Participant Exchange's bid (offer) that represents the NBBO. See Phlx Rule 1083(t).

⁷ A Satisfaction Order is an order sent through the Linkage to notify a member of another Participant Exchange of a Trade-Through and to seek satisfaction of the liability arising from that Trade-Through. See Phlx Rule 1083(k)(iii).

⁸ See Securities Exchange Act Release No. 56555 (September 27, 2007) (File Nos. SR-Amex-2007-65; SR-BSE-2007-45; SR-CBOE-2007-64; SR-ISE-2007-44; and SR-NYSEArca-2007-65).

⁹ See Phlx Rule 1085(b)(7). The Exchange notes that the other Participants in the Linkage Plan have filed proposed rule changes to adopt the same definition of "Complex Trade." See *supra*, note 8.

synthetic option order in the definition of Complex Trade to afford an exception from Trade-Through liability in the case of the execution of a synthetic option order¹⁰ to buy or sell a stated number of units of an underlying stock or a security convertible into the underlying stock ("convertible security"), coupled with the purchase or sale of option contract(s) on the opposite side of the market representing either (A) the same number of units of the underlying stock or convertible security; or (B) the number of units of the underlying stock or convertible security necessary to create a delta neutral position, but in no case in a ratio greater than eight (8) option contracts per unit of trading of the underlying stock or convertible security established for that series by the Clearing Corporation.

The Exchange believes that the proposed rule change should provide consistency in the Exchange's rules with rules proposed by the other Linkage Plan Participants.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act,¹² in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, by modernizing the Exchange's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i)

as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which Phlx consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-Phlx-2007-40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2007-40. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 am and 3 pm. Copies of the filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You

should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2007-40 and should be submitted on or before November 1, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Nancy M. Morris,
Secretary.

[FR Doc. E7-19937 Filed 10-10-07; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11055 and # 11056]

Texas Disaster # TX-00265

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Texas (FEMA-1730-DR), dated 10/02/2007.

Incident: Tropical Storm Erin.

Incident Period: 08/14/2007 through 08/20/2007.

Effective Date: 10/02/2007.

Physical Damage Loan Application Deadline Date: 12/03/2007.

Economic Injury (EIDL) Loan Application Deadline Date: 07/02/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/02/2007, applications for disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Bexar: Harris, Jones, Kendall, Medina, Taylor.

Contiguous Counties (Economic Injury Loans Only):

Texas: Atascosa, Bandera, Blanco, Brazoria, Callahan, Chambers, Coleman, Comal, Fisher, Fort Bend, Frio, Galveston, Gillespie,

¹⁰ The proposed text of Phlx Rule 1083(c)(ii) refers to "stock-option orders" as synonymous with "synthetic option orders" in order to be consistent with the definitions proposed by the other Linkage Plan Participants.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

¹³ 17 CFR 200.30-3(a)(12).

Guadalupe, Haskell, Kerr, Liberty, Montgomery, Nolan, Runnels, Shackelford, Stonewall, Uvalde, Waller, Wilson, Zavala.
The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners With Credit Available Elsewhere	6.250
Homeowners Without Credit Available Elsewhere	3.125
Businesses With Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 110558 and for economic injury is 110560.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E7-19964 Filed 10-10-07; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

Region II Buffalo District Advisory Council; Public Meeting

Pursuant to the Federal Advisory Committee Act, Appendix 2 of Title 5, United States Code, Public Law 92-463, notice is hereby given that the U.S. Small Business Administration, Buffalo District Advisory Council will hold a federal public meeting on Wednesday, October 17, 2007, starting at 10 a.m. eastern standard time. The meeting will take place at the Buffalo Club, 388 Delaware Avenue, Buffalo, New York.

The purpose of the meeting is to discuss such matters that may be presented by members, and staff of the U.S. Small Business Administration, or others present.

Anyone wishing to make an oral presentation to the Board must contact Franklin J. Sciortino, District Director, Buffalo District Office, in writing by letter or fax no later than Friday, October 12, 2007 in order to be placed on the agenda. Franklin J. Sciortino, District Director, Buffalo District Office, U.S. Small Business Administration, Niagara Center, 540 Niagara Center, 130 Elmwood Avenue, Buffalo, New York

14202; telephone (716) 551-4301 or fax (716) 551-4418.

Matthew Teague,

Committee Management Officer.

[FR Doc. E7-20033 Filed 10-10-07; 8:45 am]

BILLING CODE 8025-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11048]

Disaster # ZZ-00003; the Entire United States and U.S. Territories

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of the Military Reservist Economic Injury Disaster Loan Program (MREIDL), dated 10/01/2007.

Effective Date: 10/01/2007.

MREIDL Loan Application Deadline

Date: 90 days after the essential employee is discharged or released from active duty.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of Public Law 106-50, the Veterans Entrepreneurship and Small Business Development Act of 1999, this notice establishes the application filing period for the Military Reservist Economic Injury Disaster Loan Program.

Effective 10/01/2007, small businesses employing military reservists may apply for economic injury disaster loans if those employees are called up to active duty during a period of military conflict existing on or after March 24, 1999 and those employees are essential to the success of the small business daily operations.

The purpose of the Military Reservist economic injury disaster loan program (MREIDL) is to provide funds to eligible small businesses to meet its ordinary and necessary operating expenses that it could have met, but is unable to meet, because an essential employee was called-up to active duty in their role as a military reservist. These loans are intended only to provide the amount of working capital needed by a small business to pay its necessary obligations as they mature until operations return to normal after the essential employee is released from active duty. For

information applications contact 1-800-659-2955 or visit <http://www.sba.gov>.

Applications for the Military Reservist Economic Injury Disaster Loan Program may be filed at the above address.

The Interest Rate for Eligible Small Businesses is: 4.000.

The number assigned is 110480.

(Catalog of Federal Domestic Assistance Number 59002).

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E7-19970 Filed 10-10-07; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice 5956]

Culturally Significant Objects Imported for Exhibition Determinations: "Wine, Worship and Sacrifice: The Golden Graves of Ancient Vani"

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "Wine, Worship and Sacrifice: The Golden Graves of Ancient Vani", imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Arthur M. Sackler Gallery, Washington, DC, from on or about December 1, 2007, until on or about February 24, 2008, at the Institute for the Study of the Ancient World, New York, NY, from on or about March 10, 2008 until on or about June 1, 2008, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8058). The address

is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: October 4, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7-20074 Filed 10-10-07; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Hondo Municipal Airport, Hondo, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Hondo Municipal Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comment must be received on or before November 13, 2007.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Mike Nicely, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW-650, Fort Worth, Texas 76193-0650.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to the following address: Mr. Robert Herrera, City Manager, 1600 Avenue M, Hondo, Texas 78861.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney Clark, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW-650, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0650, Telephone: (817) 222-5659, E-mail: Rodney.Clark@faa.gov Fax: (817) 222-5989.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Hondo Municipal Airport under the provisions of the AIR 21.

The following is a brief overview of the request:

The city of Hondo requests the release of 25.783 acres of non-aeronautical airport property. The land was acquired by Deed without Warranty from the United States on July 16, 1948. The property to be released will be sold to allow for future development of the airport.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents relevant to the application in person at the Hondo Municipal Airport, telephone number (830) 426-3378.

Issued in Fort Worth, Texas, on October 1, 2007.

Mike Nicely,

Acting Manager, Airports Division.

[FR Doc. 07-5003 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at Muskogee-Davis Field Municipal Airport, Muskogee, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invites public comment on the release of land at Muskogee-Davis Field Municipal Airport under the provisions of Title 49 United States Code, section 47153.

DATES: Comments must be received on or before November 1, 2007.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Edward N. Agnew, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Arkansas/Oklahoma Airports Development Office, ASW-630, Fort Worth, Texas 76193-0630.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Michael Stewart, Director of Public Works, City of Muskogee, at the following address: 301 South Cherokee, Muskogee, OK 74403.

FOR FURTHER INFORMATION CONTACT: Ms. Lana Logan, Program Manager, Federal Aviation Administration, Arkansas/Oklahoma Airports Development Office, ASW-630F, 2601 Meacham Boulevard, Fort Worth, Texas 76137-4298.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: THE FAA invites public comment on the request to 58.55 acres of property at the Muskogee-Davis Field Municipal Airport under the provisions of the Act.

On September 24, 2007, FAA determined that the request to release property at Muskogee-Davis Field Municipal Airport submitted by the city of Muskogee met the procedural requirements of the Federal Aviation Regulations, Part 155. The FAA may approve the request, in whole or in part, no later than November 1, 2007.

The following is a brief overview of the request:

The City of Muskogee requests the release of 58.55 acres of airport property on the west side of the airport. The release of property will permit the Oklahoma Military Department to develop a new Armed Forces Reserve Center on the parcel. The appraised Value of the 58.33 acres of property was determined to be \$205,000 based on appraisal. The Oklahoma Military Department has agreed to transfer ownership of their present Armory which is presently located on airport property. The existing Armory facility has been valued at \$550,000 based on appraisal.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Muskogee, Department of Public Works.

Issued in Fort Worth, Texas, on September 24, 2007.

Joseph G. Washington,

Acting Manager, Airports Division.

[FR Doc. 07-5002 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the

requirements of 49 CFR Part 236, as detailed below.

Docket Number FRA-2007-29017

Applicant: Lake Superior and Ishpeming Railroad Company, Mr. James Scullion, Manager, Maintenance, P.O. Box 2000, Ishpeming, Michigan 49849.

The Lake Superior and Ishpeming Railroad Company seeks approval of the proposed discontinuance and removal of the control points and associated equipment of a traffic control system (TCS) on the Ore Subdivision, from Marquette, MI (Milepost 55.27) to East Eagle Mills, MI (Milepost 64.60), inclusive.

The reason given for the proposed changes is that the TCS is no longer necessary for train operations. Main track authority will be issued through Track Warrant Control.

Any interested party desiring to protest the granting of an application, shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his/her position by written statements, an application may be set for public hearing.

All communications concerning this proceeding should identify the appropriate docket number (FRA-2007-29017) and may be submitted by one of the following methods:

Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic site;

Fax: 202-493-2251;

Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590; or

Hand Delivery: Room W12-140 of the U.S. Department of Transportation, West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA prior to final action being taken. Comments received after that date will be considered to the extent practicable. All written communications concerning these proceedings are available for examination during regular business

hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78), or you may visit <http://dms.dot.gov>.

Issued in Washington, DC on October 3, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7-19991 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. 20502(a), the following railroad has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236, as detailed below.

Docket Number FRA-2007-29118

Applicant: Massachusetts Bay Commuter Railroad Company, Mr. John B. Mitchell, Assistant Chief Engineer, C&S, 32 Cobble Hill Road, Suite 3, Somerville, Massachusetts 02143-4431.

The Massachusetts Bay Commuter Railroad Company (MBCR) seeks approval of the modification of existing signal system and proposed discontinuance and removal of 26 automatic color light signals. The signal modification on Track 1 and Track 2 of the Fairmont Commuter Rail Line, also known as the Dorchester Branch, owned by the Massachusetts Bay Transportation Authority (MBTA), extends from South Bay Interlocking (Milepost 226.82) to Dana Interlocking (Milepost 220.0), Boston, Massachusetts.

The reason given for the proposed changes is to facilitate train movements

around an MBTA bridge rehabilitation project consisting of three bridges on the Dorchester Branch, as well as to retire a signal system comprised of phase selective track circuitry, mechanical relays, and traffic control circuitry that runs through line wire and cables. The project will modify the entire system from a Northeast Operating Rules Advisory Committee (NORAC) Rule 261 system to a NORAC Rule 562 System (cab signals without fixed automatic block signals).

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and include a concise statement of the interest of the party in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his/her position by written statements, an application may be set for public hearing.

All communications concerning this proceeding should identify the appropriate docket number (FRA-2007-29118) and may be submitted by one of the following methods:

Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic site;

Fax: 202-493-2251;

Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590; or

Hand Delivery: Room W12-140 of the U.S. Department of Transportation West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered to the extent practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://dms.dot.gov>.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if

submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78), or you may visit <http://dms.dot.gov>.

Issued in Washington, DC on October 3, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7-19988 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2007-28654]

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on July 20, 2007 [NHTSA-2007-28654].

DATES: Comments must be submitted on or before November 13, 2007.

FOR FURTHER INFORMATION CONTACT: Marie Walz, NHTSA, 1200 New Jersey Avenue, SE., W53-436, NVS-431, Washington, DC 20590. Ms. Walz's telephone number is (202) 366-5377.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Evaluation of State Motorcycle Safety Programs.

Type of Request: New Collection.

Abstract: NHTSA will conduct a survey of State Motorcycle Safety Administrators and/or State Highway Safety Offices in all 50 States and the District of Columbia to gather data on state-level motorcycle safety programs. This survey will consist of a questionnaire in mail (paper and pencil) format, which will allow a telephone follow-up for further details as

necessary. The study will use the State Motorcycle Safety Administrator and State Highway Safety Office survey to gather comprehensive data on what each of the 50 States and the District of Columbia are doing to promote and ensure safe riding behavior.

Affected Public: State and Local government.

Estimated Total Annual Burden: Hours: 26. Cost: None.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Joseph S. Carra,

Associate Administrator for National Center for Statistics and Analysis.

[FR Doc. E7-20044 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2007-29244]

Notice of Technical Workshop and Demonstration—Wednesday, November 7, 2007

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of technical workshop and demonstration.

SUMMARY: This notice announces that NHTSA will hold a compliance test program workshop to discuss and demonstrate the Office of Vehicle Safety Compliance (OVSC) Laboratory Test Procedure (TP) for the agency's safety standard for electronic stability control (ESC) systems. Vehicle manufacturers, tier-one ESC suppliers, ESC component manufacturers, and other interested persons with technical knowledge of

ESC systems who wish to participate in the workshop are asked to pre-register and are invited to submit related technical issues for discussion at the meeting. Attendance requires registration and is free.

Dates and Times: The workshop and demonstration of the test procedure will be held on November 7, 2007 from 8:30 a.m. to 5 p.m. (If a back-up day is required, due to inclement weather, the workshop will take place on November 8, 2007.)

ADDRESSES: The workshop and demonstration will be held at Transportation Research Center, Inc. (TRC) in East Liberty, Ohio. Directions to the meeting location and a final agenda will be sent to registered participants.

FOR FURTHER INFORMATION CONTACT: For registration, contact Ms. Maritza Marshall, Office of Vehicle Safety Compliance, NVS-220, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Room W43-481, Washington, DC 20590, telephone (202) 366-6017, facsimile (202) 366-7002, or electronic mail maritza.marshall@dot.gov. For technical issues, contact Mr. John Finneran, at the same address, telephone (202) 366-0645, facsimile (202) 366-7097, or electronic mail john.finneran@dot.gov.

SUPPLEMENTARY INFORMATION: *FMVSS No. 126:* On April 6, 2007, NHTSA published a final rule establishing Federal Motor Vehicle Safety Standard (FMVSS) No. 126, *Electronic Stability Control Systems* (72 FR 17236). This final rule requires new passenger cars, multi-purpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kg (10,000 pounds) or less, according to the phase-in schedule specified, to be equipped with an ESC system that meets the requirements of the standard. Specifically, a vehicle must be equipped with an ESC system that is capable of applying brake torques individually to all four wheels and has a control algorithm that utilizes this capability, is operational during all phases of driving including acceleration, coasting, and deceleration (including braking), except when the driver has disabled ESC, the vehicle speed is below 15 km/h (9.3 mph), or the vehicle is being driven in reverse, and remains capable of activation even if the antilock brake system or traction control system is activated. Vehicles to which this standard applies must satisfy specific lateral stability and responsiveness performance requirements. Yaw rate thresholds are used to assess a vehicle's lateral stability. The yaw rate measured

one second after completion of a 0.7 Hz "sine with dwell steering input" maneuver must not exceed 35 percent of the first peak value of yaw rate recorded after the steering wheel angle changes sign (between first and second peaks) during the same test run, and the yaw rate measured 1.75 seconds after completion of the same maneuver must not exceed 20 percent of the first peak value of yaw rate recorded after the steering wheel angle changes sign (between first and second peaks). The lateral displacement is used to assess a vehicle's responsiveness. The lateral displacement of the vehicle center of gravity with respect to its initial straight path must be at least 1.83 m (6 feet) for vehicles with a GVWR of 3,500 kg (7,716 lb) or less, and 1.52 m (5 feet) for vehicles with a GVWR greater than 3,500 kg (7,716 lb) when computed 1.07 seconds after the Beginning of Steer (BOS) at specified commanded steering wheel angles. The ESC system must also be capable of detecting and warning of system malfunctions. As reflected in the final rule, FMVSS No. 126 is a performance standard. Petitions for reconsideration of the final rule have been received and may be viewed on DOT Web site <http://dms.dot.gov>, or from the Federal Docket Management System (FMDS) at <http://www.regulations.gov> (reference docket number NHTSA-2007-27662). TP-126 is a test procedure applicable only to contractors employed by NHTSA to perform compliance tests on its behalf. The test procedure reflects FMVSS No. 126 but is not the standard itself or an interpretation of the standard. (See the purpose and application section of TP-126 for a more complete discussion of the nature of NHTSA's test procedures.)

Workshop: To enable interested parties and NHTSA personnel to discuss the questions concerning TP-126, NHTSA believes that it would be desirable to hold a technical workshop and demonstration on the test procedure. The scope of this workshop is strictly limited to issues surrounding implementation of OVSC Laboratory Test Procedure TP-126, including subsequent amendments, if any, to the procedure resulting from the agency's response to petitions for reconsideration of the final rule. TP-126 is posted on the NHTSA Web site at <http://www.nhtsa.dot.gov> (under "Test Procedures" on the Vehicles and Equipment page).

Agenda: The workshop will begin at 8:30 a.m. on November 7, 2007 and conclude by 5 p.m. (If a back-up day is required, due to inclement weather, the workshop will take place on November 8, 2007.) The agenda includes technical

discussions about the execution of the compliance test, lunch (to be paid for by each participant), and a physical ESC test demonstration. The following is a preliminary agenda for the workshop.

- I. Introduction
- II. Background Information on the TRC Test Facility
- III. FMVSS No. 126 Final Rule Highlights
- IV. OVSC Test Procedure TP-126 Content
 - A. Overview of Suggested Test Equipment and Instrumentation
 - B. Test Preparation Requirements
 - C. Test Execution
 - D. Data Post Processing
- V. Vehicle Manufacturer Test Specification Form
- VI. Issues with Test Procedure TP-126
- VII. Simulated and/or Physical Demonstration of ESC-Equipped Vehicle
- VIII. Data Post Processing
- IX. Questions & Answers

Submission of Agenda Items: Written suggestions regarding technical issues to be included in the agenda should be submitted to the address below and must be received by the agency on or before October 17, 2007. You may submit comments identified by DOT DMS Docket Number NHTSA 2007-29244 by any of the following methods:

- a. *By mail addressed to:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

- b. *By hand delivery to U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.*

- c. *Electronically:* Until September 29, 2007, by logging onto the DOT Docket Management System Web site at <http://dms.dot.gov>; after September 28, 2007, by logging onto the Federal Docket Management System (FMDS) Web site at <http://www.regulations.gov>. Follow the online instructions for submitting comments. For additional details concerning the docket system changes, please review the notice published in the **Federal Register** on September 24, 2007 (Volume 72, Number 184; pages 54315-54317). Comments may also be faxed to 1-202-493-2251.

Anyone is able to search the electronic form of all submissions entered into any of our dockets in FDMS by the name of the individual

submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketsInfo.dot.gov>, which will be available by October 1, 2007.

To Register for This Workshop: Each person wishing to participate in the workshop must register with NHTSA by October 17, 2007. You can register by contacting Ms. Maritza Marshall on or before October 17, 2007; her contact information is listed above. To register, you must provide NHTSA with your name, title, organizational affiliation and contact information (mailing address, phone numbers (voice and fax), and e-mail address). Due to space limitations, NHTSA may have to limit the number of participants per organization. Food options on site are limited. Participants may purchase lunch in cash upon check-in.

You will be contacted only if this meeting is postponed or cancelled.

Issued: October 3, 2007.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.
[FR Doc. E7-20030 Filed 10-10-07; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-115054-01]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-115054-01 (TD 9074) Treatment of Community Income for Certain Individuals Not Filing Joint Returns (§ 1.66-4).

DATES: Written comments should be received on or before December 10, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6688, or through the Internet at Carolyn.N.Brown@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Treatment of Community Income for Certain Individuals Not Filing Joint Returns.

OMB Number: 1545-1770.

Regulation Project Number: REG-115054-01.

Abstract: The regulations provide rules to determine how community income is treated under section 66 for certain married individuals in community property states who do not file joint individual Federal income tax returns. The regulations also reflect changes in the law made by the IRS Restructuring and Reform Act of 1998.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

The burden contained in § 1.66-4 is reflected in the burden of Form 8857.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are Invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 3, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7-20083 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS-106-91]

Proposed Collection: Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-106-91 (TD 8563), State Housing Credit Ceiling and Other Rules Relating to the Low-Income Housing Credit (§ 1.42-14).

DATES: Written comments should be received on or before December 10, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carolyn N. Brown, at (202) 622-6688, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at Carolyn.N.Brown@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: State Housing Credit Ceiling and Other Rules Relating to the Low-Income Housing Credit.

OMB Number: 1545-1423.

Regulation Project Number: PS-106-91.

Abstract: The regulation concerns the low-income housing credit under

section 42 of the Internal Revenue Code. The regulation provides rules relating to the order in which housing credit dollar amounts are allocated from each State's housing credit ceiling under section 42(h)(3)(C) and the determination of which States qualify to receive credit from a national pool of credit under section 42(h)(3)(D). The regulation affects State and local housing credit agencies and taxpayers receiving credit allocations, and provides them with guidance for complying with section 42.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions, individuals or households, and state, local or tribal governments.

Estimated Number of Respondents: 110.

Estimated Time per Respondent: 2 hours, 30 minutes.

Estimated Total Annual Burden Hours: 275.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are Invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 2, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7-20091 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, November 19, 2007.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1-888-912-1227 or 718-488-2085.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be held Monday, November 19, 2007, from 10:30 to 11:30 a.m. Eastern Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. For information or to confirm attendance, notification of intent to attend the meeting must be made with Audrey Y. Jenkins. Ms. Jenkins may be reached at 1-888-912-1227 or (718) 488-2085. Send written comments to Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201 or post comments to the website: www.improveirs.org. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made in advance.

The agenda will include various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19967 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance (VITA) Issue Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Cancellation notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel VITA Issue Committee has been cancelled. The Taxpayer Advocacy Panel solicits public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting scheduled for Tuesday, October 2, 2007, at Noon Eastern Time has been cancelled.

FOR FURTHER INFORMATION CONTACT: Barbara Foley at 1-888-912-1227, or (414) 231-2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel VITA Issue Committee scheduled for Tuesday, October 2, 2007, at Noon, Eastern Time via a telephone conference call has been cancelled. The meeting was originally published on Friday, September 14, 2007. You can still submit written comments to the panel by faxing to (414) 231-2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203-2221, or you can contact us at <http://www.improveirs.org>. Please contact Barbara Foley at 1-888-912-1227 or (414) 231-2360 for additional information.

Dated: October 1, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19971 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin)

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting

public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 20, 2007, at 10 a.m., Central Time.

FOR FURTHER INFORMATION CONTACT:

Mary Ann Delzer at 1-888-912-1227, or (414) 231-2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Tuesday, November 20, 2007, at 10 a.m., Central Time via a telephone conference call. You can submit written comments to the panel by faxing the comments to (414) 231-2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203-2221, or you can contact us at <http://www.improveirs.org>. Please contact Mary Ann Delzer at 1-888-912-1227 or (414) 231-2360 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19972 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel (Including the States of Alaska, California, Hawaii, and Nevada)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 7 committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. The TAP will use citizen input to make recommendations to the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 28, 2007.

FOR FURTHER INFORMATION CONTACT:

Janice Spinks at 1-888-912-1227 or 206-220-6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory

Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 7 Taxpayer Advocacy Panel will be held Wednesday, November 28, 2007, from 2 to 3:30 p.m. Pacific Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 206-220-6096, or write to Janice Spinks, TAP Office, 915 2nd Avenue, MS W-406, Seattle, WA 98174 or you can contact us at <http://www.improveirs.org>. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Janice Spinks. Miss Spinks can be reached at 1-888-912-1227 or 206-220-6096.

The agenda will include the following: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19974 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 2 Taxpayer Advocacy Panel (Including the States of Delaware, North Carolina, South Carolina, New Jersey, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 2 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 21, 2007, at 2:30 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Inez E. DeJesus at 1-888-912-1227, or 954-423-7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 2 Taxpayer Advocacy Panel will be held Wednesday, November 21, 2007, at 2:30 p.m. Eastern Time via a telephone conference call. If you would like to have the TAP consider a written

statement, please call 1-888-912-1227 or 954-423-7977, or write Inez E. DeJesus, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez E. DeJesus. Ms. DeJesus can be reached at 1-888-912-1227 or 954-423-7977, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include the following: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19976 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance (VITA) Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel VITA Issue Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 6, 2007, at noon, Eastern Time.

FOR FURTHER INFORMATION CONTACT: Barbara Foley at 1-888-912-1227, or (414) 231-2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel VITA Issue Committee will be held Tuesday, November 6, 2007, at noon, Eastern Time via a telephone conference call. You can submit written comments to the panel by faxing to (414) 231-2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203-2221, or you can contact us at <http://www.improveirs.org>. Public comments will also be welcome during the meeting. Please contact Barbara Foley at 1-888-912-1227 or (414) 231-2360 for additional information.

The agenda will include the following: Various VITA Issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19977 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be conducted in Chicago, Illinois. The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 1, 2007, Friday, November 2, 2007, and Saturday, November 3, 2007.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1-888-912-1227, or 206-220-6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be held Thursday, November 1, 2007, from 1 to 5 p.m. Central Time; Friday, November 2, 2007, from 8:30 a.m. to 5 p.m. Central Time; and Saturday, November 3, 2007, from 8:30 to 11:30 a.m. Central Time, at 20 W. Kinzie Street, Chicago, Illinois. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 206-220-6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W-406, Seattle, WA 98174, or you can contact us at <http://www.improveirs.org>. Due to limited space, notification of intent to participate in the meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1-888-912-1227 or 206-220-6096.

The agenda will include the following: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19978 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 1, 2007 at 1 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1-888-912-1227, or 954-423-7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be held Thursday, November 1, 2007, at 1:00 p.m. Eastern Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 954-423-7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1-888-912-1227 or 954-423-7979, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19979 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Joint Committee of the Taxpayer Advocacy Panel**

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Joint Committee of the Taxpayer Advocacy Panel will be conducted via conference call. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 7, 2007, at 1 p.m., Eastern Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1-888-912-1227, or (414) 231-2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Joint Committee of the Taxpayer Advocacy Panel (TAP) will be held Wednesday, November 7, 2007, at 1 p.m. Eastern Time via a conference call. If you would like to have the Joint Committee of TAP consider a written statement, please call 1-888-912-1227 or (414) 231-2360, or write Mary Ann Delzer, TAP Office, MS-1006-MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203-2221, or fax to (414) 231-2363, or you can contact us at <http://www.improveirs.org>. For information to join the Joint Committee meeting, contact Mary Ann Delzer at the above number.

The agenda will include the following: discussion of issues and responses brought to the joint committee, office report, and discussion of annual meeting.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19981 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Ad Hoc Committee of the Taxpayer

Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 8, 2007 at 2 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Inez De Jesus at 1-888-912-1227 or 954-423-7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel will be held Thursday, November 8, 2007, at 2 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 954-423-7977, or write Inez De Jesus, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez De Jesus. Ms. De Jesus can be reached at 1-888-912-1227 or 954-423-7977, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19982 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Area 1 Taxpayer Advocacy Panel (Including the States of New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont and Maine)**

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 1 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 20, 2007.

FOR FURTHER INFORMATION CONTACT:

Audrey Y. Jenkins at 1-888-912-1227 or 718-488-2085.

SUPPLEMENTARY INFORMATION: An open meeting of the Area 1 Taxpayer Advocacy Panel will be held Tuesday, November 20, 2007, from 9 to 10 a.m. Eastern Time via a telephone conference call. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 718-488-2085, or write Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Audrey Y. Jenkins. Ms. Jenkins can be reached at 1-888-912-1227 or 718-488-2085, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19983 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Area 3 Taxpayer Advocacy Panel (Including the States of Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and the Territory of Puerto Rico)**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Area 3 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 20, 2007, at 11:30 a.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1-888-912-1227, or 954-423-7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 3 Taxpayer Advocacy Panel will be held Tuesday, November 20, 2007, at 11:30 a.m. Eastern Time via a telephone conference call. If you would like to

have the TAP consider a written statement, please call 1-888-912-1227 or 954-423-7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1-888-912-1227 or 954-423-7979, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19984 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas)**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 13, 2007, at 9:30 a.m. Central Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1-888-912-1227, or (414) 231-2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 5 Taxpayer Advocacy Panel will be held Tuesday, November 13, 2007, at 9:30 a.m. Central Time via a telephone conference call. You can submit written comments to the panel by faxing to (414) 231-2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203-2221, or you can contact us at <http://www.improveirs.org>. Please contact Mary Ann Delzer at 1-888-912-1227 or (414) 231-2360 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: September 28, 2007.

Sandra L. McQuin

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19985 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Area 6 Taxpayer Advocacy Panel (Including the States of Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming)**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Area 6 committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. The TAP will use citizen input to make recommendations to the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 27, 2007.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1-888-912-1227, or 206-220-6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 6 Taxpayer Advocacy Panel will be held Tuesday, November 27, 2007, from 1 to 2:30 pm Pacific Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 206-220-6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W-406, Seattle, WA 98174, or you can contact us at <http://www.improveirs.org>. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1-888-912-1227 or 206-220-6096.

The agenda will include the following: Various IRS issues.

Dated: October 1, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-19986 Filed 10-10-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0570]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health

Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on claimants' perception on VA's healthcare services.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 10, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: mary.stout@va.gov. Please refer to "OMB Control No. 2900-0570" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Mary Stout at (202) 461-5867 or FAX (202) 273-9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites

comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Generic Veterans Health Administration Customer Satisfaction Surveys.

OMB Control Number: 2900-0570.

Type of Review: Extension of a currently approved collection.

Abstract: VA use customer satisfaction surveys to obtain its patients' perception on the type and quality of healthcare services they need and their satisfaction with existing services. The data collected will be used to improve the quality of healthcare services.

Affected Public: Individuals or households.

Estimated Annual Burden: 130,644 hours.

a. Ad Hoc Facilities Surveys (VA Medical Facilities) and Special Emphasis Programs Conducted at Headquarters—44,182 hours.

b. Pre-approved Local Facilities Surveys (VA Medical Facilities)—86,461 hours.

Estimated Average Burden Per Respondent:

a. Ad Hoc Facilities Surveys (VA Medical Facilities) and Special Emphasis Programs Conducted at Headquarters—11 minutes.

b. Pre-approved Local Facilities Surveys (VA Medical Facilities)—6 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 531,144.

a. Ad Hoc Facilities Surveys (VA Medical Facilities) and Special Emphasis Programs Conducted at Headquarters—161,777.

b. Pre-approved Local Facilities Surveys (VA Medical Facilities)—369,367.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-19997 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0659]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits

Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to obtain evidence to substantiate claims for service connection post-traumatic stress disorder (PTSD).

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 10, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0659" in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at: <http://www.Regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Nancy J. Kessinger at (202) 461-9769 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary

for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD), VA Form 21-0781.

b. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault, VA Form 21-0781a.

OMB Control Number: 2900-0659.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans seeking compensation for post-traumatic stress disorder who need VA's assistance in obtaining evidence from military records and other sources to substantiate their claims of in-service stressors must complete VA Forms 21-0781 and 21-0791a. Veterans who did not serve in combat or were not a prisoner of war and are claiming compensation for post-traumatic stress disorder due to in-service stressors must provide credible supporting evidence that the claimed in-service stressor occurred.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD), VA Form 21-0781—16,800 hours.

b. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault, VA Form 21-0781a—980 hours.

Estimated Average Burden per Respondent:

a. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD), VA Form 21-0781—70 minutes.

b. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault, VA Form 21-0781a—70 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD), VA Form 21-0781—14,400.

b. Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault, VA Form 21-0781a—840.

Dated: October 2, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-19998 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0043]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0043" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, FAX (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0043."

SUPPLEMENTARY INFORMATION:

Title: Declaration of Status of Dependents, VA Form 21-686c.

OMB Control Number: 2900-0043.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to obtain information to confirm marital status and existence of any dependent

child(ren). The information is used by VA to determine eligibility and rate of payment for veterans and surviving spouses who may be entitled to an additional allowance for dependents.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 30, 2007, at pages 41588-41589.

Affected Public: Individuals or households.

Estimated Annual Burden: 56,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 226,000.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-19999 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0066]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316.

Please refer to "OMB Control No. 2900-0066" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, fax (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0066."

SUPPLEMENTARY INFORMATION:

Title: Request to Employer for Employment Information in Connection with Claim for Disability Benefits, VA Form Letter 29-459.

OMB Control Number: 2900-0066.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form Letter 29-459 is used to request employment information from an employer in connection with a claim for disability benefits. VA uses the information to establish the insured's eligibility for disability insurance benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 30, 2007 at page 41587.

Affected Public: Individuals or households.

Estimated Annual Burden: 862 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,167.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20000 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0212]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of

Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0212" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, fax (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0212."

SUPPLEMENTARY INFORMATION:

Title: Veterans Mortgage Life Insurance Statement, VA Form 29-8636.

OMB Control Number: 2900-0212.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29-8636 is completed by veterans to decline Veterans Mortgage Life Insurance (VMLI) or to provide information upon which the insurance premium can be based. VMIL provides financial protection to cover eligible veterans' outstanding home mortgage in the event of his or her death. The insurance is available only to disabled veterans who, because of their disability, have received a specially adapted housing grant from VA.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 30, 2007 at pages 41585-41586.

Affected Public: Individuals or households.

Estimated Annual Burden: 250 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20001 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0046]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov>; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0046" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, fax (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0046."

SUPPLEMENTARY INFORMATION:

Title: Statement of Heirs for Payment of Credits Due Estate of Deceased Veteran, VA Form Letter 29-596.

OMB Control Number: 2900-0046.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29-596 is used by an administrator, executor, or next of kin to support a claim for money in the form of unearned or unapplied insurance premiums due to a deceased veteran's estate.

An agency may not conduct or sponsor, and a person is not required to

respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 30, 2007 at page 41588.

Affected Public: Individuals or households.

Estimated Annual Burden: 78 hours.

Estimated Average Burden per

Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 312.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20002 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0654]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through <http://www.Regulations.gov> or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0654" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, FAX (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0654."

SUPPLEMENTARY INFORMATION:

Title: Annual Certification of Veteran Status and Veteran-Relatives, VA Form 20-0344.

OMB Control Number: 2900-0654.

Type of Review: Extension of a currently approved collection.

Abstract: VBA employees, non-VBA employees in VBA space and Veteran Service Organization employees who have access to VA's benefit records complete VA Form 20-0344. The individuals are required to provide personal identifying information on themselves and any veteran relatives, in order for VA to identify and protect benefit records. VA uses the information collected to determine which benefit records require special handling to guard against fraud, conflict of interest, improper influence, etc. by VA and non-VBA employees.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 30, 2007, at page 41586.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,834 hours.

Estimated Average Burden per

Respondent: 25 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 14,000.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20003 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0065]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted

below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0065" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, FAX (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0065."

SUPPLEMENTARY INFORMATION:

Title: Request for Employment Information in Connection with Claim for Disability Benefits, VA Form 21-4192.

OMB Control Number: 2900-0065.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21-4192 is used to request employment information from a claimant's employer. The collected data is used to determine the claimant's eligibility for increased disability benefits based on unemployability.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 30, 2007, at pages 41584-41585.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 15,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 60,000.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20004 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900-0342]****Agency Information Collection Activities Under OMB Review****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0342" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, FAX (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0342."

SUPPLEMENTARY INFORMATION:*Titles:*

a. Other On-The-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22-8864.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code 3677 and 3687), VA Form 22-8865.

OMB Control Number: 2900-0342.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses the data on VA Form 22-8864 to ensure that all trainees receive a training agreement and to make certain that training programs and agreements meet statutory requirements for approval of an employer's job training program.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB

control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 24, 2007, at page 40367.

Affected Public: Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Annual Burden: 7,943 hours.

a. Other On-The-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22-8864—2,997 hours.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code 3677 and 3687), VA Form 22-8865—4,496 hours.

Frequency of Response: On occasion.

a. Other On-The-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22-8864—30 minutes.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code 3677 and 3687), VA Form 22-8865—90 minutes.

Estimated Number of Respondents: 8,991.

a. Other On-The-Job Training and Apprenticeship Training Agreement and Standards, (Training Programs Offered Under 38 U.S.C. 3677 and 3687), VA Form 22-8864—5,994 respondents.

b. Employer's Application to Provide Job Training, (Under Title 38 U.S. Code 3677 and 3687), VA Form 22-8865—2,997 respondents.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20005 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS**[OMB Control No. 2900-0143]****Agency Information Collection Activities Under OMB Review****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the

collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0143" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565-8374, fax (202) 565-7870 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0143".

SUPPLEMENTARY INFORMATION:

Title: Offer to Rent on Month-to-Month Basis and Credit Statement of Prospective Tenant, VA Form 26-6725.

OMB Control Number: 2900-0143.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26-6725 is used to establish the landlord-tenant relationship when properties acquired by VA, through operation of the guaranteed and direct home loan programs, are rented. The form serves as a credit statement and rental offer executed by prospective tenants of properties owned by VA. VA may rent properties acquired through guaranteed and direct home loan programs when there is little likelihood, because of market conditions, of an early sale and/or prolonged vacancy may encourage vandalism. VA Form 26-6725 states the responsibilities of the parties, evidence of tender and acceptance of rental payments, and provides credit information for evaluating the prospective tenant's ability to meet rental payments.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 24, 2007, at pages 40366-40367.

Affected Public: Individuals or households and Business or other for profit.

Estimated Annual Burden: 33 hours.

Estimated Average Burden per Respondent: 20 minutes.
Frequency of Response: On occasion.
Estimated Number of Respondents: 100.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20006 Filed 10-10-07; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0539]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and

Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 13, 2007.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0539" in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-7485, fax (202) 273-0443 or e-mail denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0539."

SUPPLEMENTARY INFORMATION:

Title: Application for Supplemental Service Disabled Veterans Insurance, (RH) Life Insurance, VA Forms 29-0188, 29-0189 and 29-0190.

OMB Control Number: 2900-0539.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 29-0188, 29-0189 and 29-0190 are completed by veterans applying for Supplemental Service Disabled Veterans Insurance. VA uses the information collected to establish veterans' eligibility for insurance coverage.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on July 30, 2007 at page 41585.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,333 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 10,000.

Dated: October 1, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7-20007 Filed 10-10-07; 8:45 am]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.archives.gov/federal-register/laws.html>.

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H.R. 3668/P.L. 110-90

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H.J. Res. 52/P.L. 110-92

Making continuing appropriations for the fiscal year 2008, and for other purposes. (Sept. 29, 2007; 121 Stat. 989)

H.R. 3625/P.L. 110-93

To make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency. (Sept. 30, 2007; 121 Stat. 999)

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